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## Third Committee

**Summary record of the 46th meeting**
Held at Headquarters, New York, on Tuesday, 12 November 2002, at 3 p.m.

*Chairman*: Mr. Wenaweser ..... (Liechtenstein)
*later*: Mr. Morikawa (Vice-Chairman) ..... (Japan)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 102: Advancement of women** (*continued*) (A/C.3/57/L.17)

*Draft resolution A/C.3/57/L.17: Trafficking in women and girls*

1. **The Chairman** invited the Committee to take action on the draft resolution, which contained no programme budget implications.

2. **Ms. Garcia** (Philippines), speaking on behalf of the sponsors, said that Armenia, Costa Rica, Djibouti, Haiti, Jamaica, the Lao People's Democratic Republic, Liberia and Nigeria had joined the sponsors and that Argentina had withdrawn. The draft resolution had been revised in three places: in the seventh preambular paragraph, the first word "welcoming" had been replaced by "acknowledging"; in the eighth preambular paragraph, the word "also" had been deleted from the first line; and paragraph 8 had been reworded to read: "*Calls upon* all Governments to criminalize trafficking in women and children, in particular girls, in all its forms, to condemn and penalize those offenders involved, including intermediaries, whether local or foreign, by the competent national authorities, either in the country of origin of the offender or in the country in which the abuse takes place, in accordance with due process of law, while ensuring that the victims of those practices are not penalized for being trafficked, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody."

3. Her delegation appreciated the sponsors' support and patience and the flexibility displayed by the partners. Since both groups had worked hard to ensure that the language matched that of previous years, she trusted that the draft resolution would be adopted without a vote.

4. **The Chairman** said that Belarus, El Salvador, Japan, Malaysia and Mozambique had joined the sponsors.

5. *Draft resolution A/C.3/57/L.17, as orally revised, was adopted.*

**Agenda item 109: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/57/134, A/57/138, A/57/140, A/57/182, A/57/205, A/57/205/Add.1, A/57/274, A/57/275, A/57/277, A/57/283, A/57/311, A/57/311/Add.1, A/57/323, A/57/356, A/57/357, A/57/369, A/57/371, A/57/384, A/57/385, A/57/394, A/57/446, A/57/484; A/C.3/57/7 and A/C.3/57/L.17)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/57/230, A/57/284, A/57/290 and A/57/290/Corr.1, A/57/292, A/57/309, A/57/325, A/57/326, A/57/345, A/57/349, A/57/366 and A/57/366/Add.1, A/57/433, A/57/437 and A/C.3/57/5)

**(e) Report of the United Nations High Commissioner for Human Rights** (*continued*) (A/57/36 and A/57/446)

*Draft resolution A/C.3/57/L.40: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*

6. **Ms. González** (Cuba) introduced the draft resolution and said that Colombia, the Dominican Republic, Ghana and Pakistan had joined the sponsors and that Senegal had withdrawn.

7. **The Chairman** said that the Committee would resume its general discussion of the agenda sub-items under consideration.

8. **Mr. Mejdoub** (Tunisia) expressed his conviction that, under the leadership of the new High Commissioner, Mr. Sergio de Melo, the Office of the United Nations High Commissioner for Human Rights would continue the leading role it had played in the defence of human rights under Ms. Mary Robinson. The international community must redouble its efforts to defeat terrorism, which had had dire consequences for human rights. Tunisia, which had long warned of its perils and had striven to endow international relations with solidarity in order to eradicate economic and

social imbalances — the wellspring of terrorism — now called for a world conference to elaborate an international code of conduct binding on all States, which would facilitate responsible dialogue that avoided double standards and outlined common denominators against terrorism. His country was particularly committed to the implementation of the Durban Programme of Action.

9. Given the international community's concern at the frequency and intensity of human rights violations, which most affected the vulnerable strata of society, he exhorted belligerents to respect human rights and settle their differences peaceably in accordance with the Charter and resolutions of the United Nations and the principles of international law. Tunisia felt strongly about human rights violations in occupied countries, especially the untenable social, economic and humanitarian situation in the occupied Palestinian territories, which defied all laws and compelled the conscience of the world to denounce Israel's abuses.

10. Effective follow-up to conventions and recommendations of international conferences was essential and required the international community to strengthen its commitment to provide the resources needed for national, regional and international human rights institutions, shared action being the best manifestation of the universality, interdependence and indivisibility of human rights in the broadest sense of the term. Those rights were global; political, civil, social, cultural rights were equally important, and to prioritize them would reverse their effects. The right to development was at the heart of Tunisia's concern for the effective exercise of human rights. Consideration of those rights afforded an opportunity to reconcile differing views through an open, constructive exchange, with respect for the principles of the Charter and for international standards, in an atmosphere of mutual respect. All societies could learn from one another.

11. For 15 years, Tunisia had been endeavouring to strengthen the promotion of human rights and ease the democratic process. Six months previously, Tunisians had voted in favour of a historic referendum on a wide-ranging constitutional reform project to establish the republic of tomorrow by enshrining certain freedoms in the constitution, integrating into the political system such features as votes of no-confidence and written and oral questions, giving the legislature more monitoring power over the Government and promoting parliamentary dialogue.

12. A new second chamber afforded wider representation of the various regions and sectors of society. The powers of the Constitutional Council had been strengthened and expanded, making it the arbiter at all stages of parliamentary and legislative elections. To that end, neutrality and independence had been strengthened. The reform fostered republican principles by promoting the diversity of presidential candidates, while ensuring the irreversible abolition of the presidency for life. The Electoral Code had been amended to ensure transparency at all phases of the electoral process. The constitutional reform was part of the effort to modernize political life and build a legally constituted State that would lead Tunisia into a new era of freedoms and republican democracy.

13. **Mr. Tekin** (Turkey) said that the past year had posed new challenges for human rights. In addition to the after-effects of 11 September 2001, the attacks in Bali and the hostage-taking crisis in Moscow had highlighted terrorism's threat to human rights. However, such events should not serve as a pretext for restricting fundamental rights and freedoms. Human rights violations bred hatred, resentment and, ultimately, violence. He deplored the growing prejudices based on religion, ethnicity, nationality and race observed in the wake of 11 September. The security and stability of the world was now more dependent than ever on working towards worldwide equality, understanding, tolerance, respect for human dignity and the rule of law in order to break the vicious circle.

14. While States were primarily responsible for the exercise of human rights, in today's world such rights assumed international dimensions. His country had launched a comprehensive reform process for the promotion and protection of human rights, a process that had gathered new momentum during the previous year. A comprehensive package of constitutional amendments, adopted in October 2001, had introduced new provisions to strengthen existing safeguards in a variety of areas. The new Civil Code reflected improvements in gender equality, protection of children's rights, and freedom of association and peaceful assembly. That had been followed in 2002 by the enactment of three legislative harmonization packages that brought several laws into line with the constitutional amendments. The fundamental

achievements of the latest package included the abolition of the death penalty, on which there had been a de facto moratorium since 1984. Also, legal restrictions on the learning of various languages had been lifted, and an amendment to the Penal Code had broadened freedom of expression, in line with the European Convention on Human Rights.

15. The National Committee for the United Nations Decade for Human Rights Education had been instrumental in raising awareness of human rights through education. Compulsory human rights courses were offered in primary schools, police academies and civil service training programmes, and optional courses in secondary schools, and additional human rights centres had been established in universities. Moreover, recent legal amendments had been incorporated into law enforcement and judiciary training institutions. The country also conducted joint projects with the Council of Europe and the European Union on human rights education for security forces, judges, lawyers and human rights trainers.

16. Turkey, a party to most of the international human rights conventions, was in the process of acceding to the remainder. It had recently ratified the Convention on the Elimination of All Forms of Racial Discrimination, and the ratification process for the two International Covenants was well under way. Turkey was one of 39 countries that had issued a standing invitation to the Commission on Human Rights regarding special procedures and mechanisms and had been visited by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Special Rapporteur on the right to education, and the Representative of the Secretary-General on internally displaced persons. The Special Rapporteur on violence against women was expected to visit shortly. The country was also open to the more intrusive regional human rights instruments.

17. The independent judiciary, vibrant free media, and non-governmental organizations, increasing public awareness, and national observance of international human rights standards were instrumental in safeguarding and promoting human rights. Turkey would redouble its efforts to make further strides and urged its critics to recognize its remarkable progress. No country had a perfect human rights record, but it was the duty of the entire international community to uphold the highest possible human rights standards.

18. **Mr. Kadiri** (Morocco) said that the United Nations, through its summits, major conferences and special sessions, and the human rights instruments adopted under its aegis, had inspired respect for the human person and aided the struggle against any attack on human dignity and the right to a decent life. Although progress in that field had had an enormous impact on national and international plans, manifestations of racism and related ills persisted, in violation of the most fundamental political and socio-economic rights. All rights were equal and indivisible and must be protected by one and all in pursuit of the objectives outlined by the United Nations, especially the Millennium Declaration goals. Since the development of civil and political rights depended on the simultaneous development of economic, social and cultural rights, the international community must assign priority to the right to development in order to bridge the widening gap between nations, attenuate the adverse effects of globalization and multiply the developing countries' opportunities in world markets so that they could improve their standard of living.

19. Morocco had made human rights and the promotion of democracy and good governance the keystone of its national policy, in the conviction that there could be no economic and social development without its citizens' full enjoyment of civil and political rights that enabled them to participate enthusiastically in public life. Enshrined in the preamble to the Moroccan Constitution, that commitment had resulted in the country's accession to the various international human rights instruments and was reflected in its efforts to harmonize its body of laws with those instruments. Implementation and monitoring bodies had been established, including the recently overhauled Human Rights Advisory Board, the Committee on Compensation for Victims of Forced Disappearance and Arbitrary Arrest and an office of the ombudsman. There were now 35 Moroccan women in Parliament, three of whom held government office, and reforms had been undertaken in all fields of public life.

20. The authorities had done their utmost to implement the United Nations Decade for Human Rights Education, and a national human rights programme, initiated in 1994 and stipulating the inclusion of human rights education in the school curriculum, had been implemented countrywide since the 2002 academic year. A human rights training and information centre had been created, in partnership

with the Office of the United Nations Commissioner for Human Rights and United Nations Development Programme. Morocco called on the international community to do everything to ensure the unrestricted enjoyment of rights by immigrants, who, despite the world's growing interdependence, were still the target of racism and xenophobia. Morocco, one of the first countries to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, appealed to others to do likewise, since only one more ratification was needed for its entry into force.

21. His delegation also entirely supported the Durban Declaration and Programme of Action and appealed for their full implementation. His country had signed an agreement with the World Migration Organization to create a human rights centre to strengthen respect for the human rights of migrants, provide them with legal aid should their rights be violated, and train migrants' human rights experts and Moroccan officials working in that field. In conclusion, he appealed to the international community to persuade Israel to end its occupation of Palestinian territory, which had given rise to a new and unprecedented wave of human rights violations, and to abide by the provisions of international humanitarian law and United Nations decisions.

22. **Mr. Zackheos** (Cyprus) said that international judicial and other bodies had repeatedly stressed Turkey's sole responsibility for the violations of human rights and fundamental freedoms in Cyprus. Turkey had not yet implemented the 2001 decision of the European Court of Human Rights, which had found it guilty of 14 violations of the European Convention on Human Rights. Regarding missing persons, the charge had been failure to conduct an effective, credible inquiry, including exhumation and DNA testing of the remains of missing persons who had disappeared in suspicious circumstances, and to inform relatives of the results. His Government also urged the Turkish-Cypriot authorities not to ban relatives of Turkish-Cypriot missing persons from giving blood samples for such tests.

23. With regard to the property of displaced persons, Turkish official policy denying them the right to return to their homes had been reinforced by the stringent restrictions on visits to the north by Greek Cypriots living in the south, and the rights of persons with property — owned or inherited — in the north were violated, without compensation. A 1996 landmark decision of the European Court, under article 25 of the European Convention, had still not been implemented, even after three interim resolutions of the Council of Ministers of the Council of Europe. The right to privacy of Greek Cypriots in northern Cyprus was systematically denied. The Karpas Greek-Cypriot community lived in debased conditions and their freedom of movement was restricted. Their primary-school books were heavily censored and no appropriate secondary-school facilities were provided for them.

24. Turkish-Cypriot civilians had been tried by military courts, and press freedom had been severely curtailed under a regime largely dominated by the Turkish military. A Turkish-Cypriot teacher had been dismissed for criticizing the regime, and Turkish journalists and trade-unionists demonstrating against her dismissal had been harassed. Turkish Cypriots were often prohibited from participating in bi-communal events, and some had even been sentenced. Two successive Rapporteurs of the Council of Europe had reported attempts to alter the occupied area's demographic and cultural heritage by the presence of the Turkish army and the influx of settlers, whose naturalization raised a further barrier to a peaceful negotiated solution to the Cypriot conflict. Such a policy, reiterated as a crime under international law in the Rome Statute of the International Criminal Court, could not be condoned nor could its effects be legalized ex post facto. A solution to the Cyprus problem must be based on Security Council resolutions and restore the human rights and fundamental freedoms of all Cypriots in a reunified, unoccupied federal Cyprus, member of the European Union.

25. **Ms. Davtyan** (Armenia) said that human rights, democracy and the rule of law were increasingly important prerequisites for peace and security in the face of the new challenges in the modern globalized world. One such challenge was the despicable scourge of terrorism, which must be universally condemned. The response to terrorism, however, should not be so extreme as to perpetuate hatred and violence and should not be used to subdue legitimate dissent, suppress fundamental freedoms or backtrack from the considerable progress made. She agreed with the High Commissioner for Human Rights that global security must be grounded in human rights, the rule of law, social justice and enhancing democracy.

26. Protection of economic, social and cultural rights was essential to meet the challenges of globalization and ensure that all shared its benefits. The right to development was therefore of crucial importance, and she particularly valued the Millennium development goals as a means to implement that right and welcomed the High Commissioner's commitment to those issues. Respect for human rights implied tolerance, understanding and open-mindedness, and no effort must be spared to ensure that diversity was a source of strength and inspiration rather than of fear and mistrust. Armenia was a crossroad of civilizations, and she therefore welcomed dialogue among civilizations and noted that a conference on that topic would be organized jointly by her Government and the Government of the Islamic Republic of Iran in March 2003.

27. Human rights guarantees promoted stability and security by decreasing the likelihood of violent social and political conflicts. The ethnic patchwork and history of conflict in a region like the southern Caucasus highlighted the need for the rule of law and respect for human and minority rights. She hoped that that view was shared by Armenia's neighbours because a society or Government which mistreated its own people could not be a reliable partner for others. Since independence, Armenia had committed itself to democracy, human rights and the rule of law and had undertaken significant reforms, which had been rewarded by membership in the Council of Europe in 2001. Further legislative and judicial reforms were under way aimed at bringing national institutions into line with international norms. Her Government would continue its efforts to live up to its commitments and ensure effective enjoyment of human rights.

28. *Mr. Morikawa, Vice-Chairman (Japan) took the Chair.*

29. **Mr. Kerim** (The former Yugoslav Republic of Macedonia) said 2002 had been a challenging year for human rights, with both positive developments and worrisome trends. The tragic events of 11 September had brought terrorism to the forefront of the international agenda. While it was important to vigorously combat terrorism, the introduction by some States of policies which could lead to the suppression of fundamental rights and freedoms was an extremely dangerous approach. The principles of proportionality and necessity must be respected and there must be no double standard when dealing with political extremism and terrorism. Citing his own country's experience, he stressed that a political solution was always possible to any problem.

30. While universal ratification of the six core human rights treaties was important, it was even more important to ensure full and effective implementation of their provisions. Priority should be placed on creating and strengthening mechanisms for monitoring the implementation of accepted obligations, while future human rights instruments should stress transparency and cooperation, rather than declarations and commitments. The adoption of an Optional Protocol to the Convention against Torture, for example, would be a significant step forward. Establishment of a monitoring mechanism to ensure regular visits to places of detention would make an essential contribution to the prevention of torture and his delegation would vote to adopt the Optional Protocol at the General Assembly and urged other States to do likewise.

31. His delegation fully supported efforts to strengthen the Organization's human rights activities and looked forward with interest to the forthcoming reports of the High Commissioner on Human Rights on the new streamlined reporting procedure and on the effectiveness and improvement of the special procedures of the Commission on Human Rights. It also supported the High Commissioner's request for a 1.54 per cent increase in regular budget resources for his Office. The principle of the rule of law was essential to human rights and nothing threatened the rule of law more than impunity. The establishment of the International Criminal Court was therefore a real victory against impunity and a departure from a narrow view of State sovereignty in the face of radical violations of human rights. His Government would seek to prevent crimes under the Court's jurisdiction and help put an end to impunity for the perpetrators of such crimes. The necessary domestic procedures for implementing the obligations arising out of the Rome Statute were under way.

32. The primary responsibility for the effective implementation of human rights lay with States, and securing the rule of law required a full commitment at the national level. A strong national human rights policy and strong human rights institutions were essential. Guided by those principles, his Government had succeeded in resolving the armed conflict of a year before, which had threatened democracy and inter-

ethnic coexistence. Recent parliamentary elections had been organized and conducted in accordance with international standards and democratic values, proving the nation's commitment to democracy and the rule of law, reaffirming the maturity of Macedonian society and establishing its position as an equal and respected member of the European family. In that context, he welcomed progress in ratification of the Stabilization and Association Agreement between his Government and the European Union.

33. Gender issues were a priority and he welcomed the increase in the proportion of women members of Parliament from 7.5 to 17.5 per cent. In the context of the regional projects of the Council of Europe, his Government would host the European Ministerial Conference on Equality between Women and Men in 2003. Macedonian society also valued multiculturalism, and the Government was committed to protecting the common heritage and shared values of the various cultures in its diverse society. Bearing in mind the importance of dialogue and mutual understanding, in 2003, in the context of the United Nations Year of Dialogue among Civilizations, his country, in cooperation with the United Nations Educational, Scientific and Cultural Organization, would host a regional forum on dialogue among civilizations.

34. **Ms. Astanah Banu** (Malaysia) expressed concern that human rights had been the first casualty of tough new measures to tackle terrorism. Racism in the West had received new currency as witnessed by the growth of political parties with anti-immigration platforms. Using the fight against terrorism as a pretext, many developed countries had instituted restrictive immigration policies and draconian measures against refugees and asylum-seekers. States which had painted themselves as champions of freedom and democracy had been the first to compromise those principles. She recalled in that regard that the Secretary-General had said that security must not be bought at the expense of human rights. During difficult times, special attention must be paid to respect international norms and standards. Democracies should not curtail freedom in order to defend it. All States should re-examine their policies and legal provisions to ensure that their actions at home matched their statements in international forums.

35. Her delegation shared the High Commissioner's concern with poverty in the world and in that context she recalled that the Food and Agriculture Organization had warned that hunger and malnutrition were on the rise among Palestinians living in the West Bank and Gaza Strip, leading to an increase in the incidence of low birth weights and a staggering increase in the rate of stillbirths. As a result of the Israeli blockade, millions of people were severely impoverished and threatened with food insecurity and catastrophe. Anywhere else in the world, the United Nations would have intervened, and she wondered when the Office of the High Commissioner for Human Rights would step in to protect the most basic rights of a people who had languished for so long under such severe conditions.

36. Turning to the fifty-eighth session of the Commission on Human Rights, she pointed out that, in the reports presented to the Committee, there had been at least four references to bloc voting, but no attempt had been made to explain why more than half the membership of the Commission had felt it necessary to oppose certain resolutions. Although Member States had long stressed the importance of constructive dialogue and cooperation rather than confrontation in the area of human rights, some States continued to table resolutions targeting specific countries. The increase in bloc voting indicated a rejection by States not of the universality of human rights but of the validity of country-specific resolutions and the practice of naming and shaming. She hoped future sessions of the Commission would be more constructive and less politicized.

37. **Ms. Loemban Tobing-Klein** (Suriname) stressed the importance of human rights education as a powerful tool to address inequalities, injustices and abuses. Her delegation had tabled a draft resolution on human rights education (A/C.3/57/L.45) and she called on delegations to support that document, which stressed the importance of human rights education as a key to development. Member States should also continue to promote the United Nations Decade for Human Rights Education (1995-2004). In that regard, she noted her delegation's good working relationship with the People's Movement for Human Rights Education (PMHRE), whose Human Rights Cities programme was aimed at promoting all human rights in order to improve the well-being of the peoples of the world.

38. Consideration of human rights agenda items, including resolutions on the situation of human rights in certain countries, should bear in mind the indivisibility and interdependence of economic, social,

cultural, civil and political rights. Special attention should be devoted to the human-rights-based approach to poverty reduction in the poverty reduction strategy papers (PRSPs) aimed at empowering the poor, and she called on the Bretton Woods institutions to devote increased attention to the relationship between poverty and human rights. The commitments undertaken at major conferences and the Millennium development goals must also be implemented. New resources would however be necessary, and the developed world should meet the goal of allocating 0.7 per cent of GDP to official development assistance. She also expected the newly established Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States to play an important role in development efforts.

39. Finally, she drew the attention of the Committee to an important human rights instrument for the Americas, the Inter-American Democratic Charter, adopted in Lima by the Organization of American States on 11 September 2001, the very day whose tragic events had highlighted the interdependency between security, the root causes of conflicts and human rights.

40. **Mr. Tsamoulis** (Greece) expressed concern at the persistent violations of human rights in Cyprus, despite numerous resolutions of the Security Council and the Commission on Human Rights, which Turkey, occupying 37 per cent of the island, had ignored. The European Court of Human Rights had found Turkey guilty of violations of the European Convention on Human Rights, and the Turkish local administration had imposed a series of restrictions on the United Nations Peacekeeping Force in Cyprus (UNFICYP) which seriously affected its capacity to pursue its mandate. The island's cultural heritage had been systematically and deliberately violated, including the destruction of over 500 Greek Orthodox churches and the theft of priceless works of art. In an effort to alter the demographic balance, 110,000 settlers from mainland Turkey had been transplanted illegally since 1974 and given properties usurped from expelled Greek Cypriots.

41. Despite all the setbacks, the resumption of talks in January had created a new opportunity for reaching a settlement of the problem of Cyprus. Unfortunately, the outlook after eight months of direct talks was not optimistic. His Government believed that a settlement should be based on the Security Council resolutions providing for a single State with sole sovereignty and international personality, comprised of two politically equal communities in federation. Since the accession of Cyprus to the European Union was imminent, the settlement should also be in conformity with the principles and values of the European Union. His delegation supported any effort by the Secretary-General to use his good offices, in a spirit of compromise, to bridge the gaps between the parties. The opportunity to achieve a settlement must be seized.

42. **Mr. Amorós Núñez** (Cuba), speaking in exercise of the right of reply, said that his delegation had hoped that the debate in the Committee would be based on the principles of solidarity, cooperation and mutual respect, but regrettably some delegations, including Canada and Norway, had made statements that were confrontational and negative. Their attempts to impose a single model for the observance of human rights indicated that those delegations failed to recognize the principles of universality, impartiality, objectivity and non-selectivity.

43. A double standard was applied by some delegations when it came to discussion of their own human rights violations. In Canada, for instance, there were serious concerns about discrimination against indigenous people and immigrants. The Inuit and other native groups of Canada were faced with either assimilation or poverty. Claims by indigenous groups to their traditional lands had been met with police repression and the forced displacement of populations. Basic rights were being restricted on the pretext of the fight against terrorism. Discrimination against women, disabled people and indigenous groups had also been reported in Norway. Non-citizens faced discrimination in access to employment, housing, education and health services. There was also concern over an upsurge in anti-Muslim feeling which had contributed to the murders of some immigrants and was being expressed in racist election campaign slogans. Cuba would never accept any attempt to turn the international dialogue on human rights into an instrument of domination.

44. **Mr. Redai** (Ethiopia), speaking in exercise of the right of reply, said that his country was open to criticism and was always ready to learn from developed democracies. Like other democracies, his country faced challenges in implementation, and therefore had requested assistance with capacity-building. A clash between a politically-motivated armed mob and the police had been mentioned. In that case, the police had

taken the necessary measures to control the situation. However, it was true that Ethiopia had no trained riot police and would appreciate assistance in providing such training. The allegations of human rights violations committed by the army in the south were fabrications by the Human Rights Council, which served as the voice of opposition groups and was clearly biased. He assured the delegation of Canada that the Government hoped that such events would not be repeated and that the perpetrators would be prosecuted.

45. **Ms. Pham Thi Kim Anh** (Viet Nam), speaking in exercise of the right of reply, said, in response to the statement of Canada, that many Montagnard people had left for Cambodia because of poor living conditions. The Government was doing its utmost with its limited resources, but at least 1,000 villages were affected by extreme poverty, and the world community had not provided resources for poverty eradication. Outside factors had also influenced the decision of Montagnards to leave the country. The Governments of Viet Nam and Cambodia were cooperating to ensure voluntary repatriation with respect for the dignity of those individuals.

46. **Mr. Kitchen** (Zimbabwe), speaking in exercise of the right of reply, said that the debate on human rights was being used for political purposes. Delegations commented on countries whose leadership they did not like, but said nothing about the situation in their own countries. Zimbabwe had a functioning democracy with a strong opposition. Certain countries which disliked President Mugabe, however, were criticizing the recent election. In their view, an election could only be called "free and fair" when they liked the result.

47. The land reform programme was an attempt to redress the legacy of colonialism. The Government appreciated the assistance that it had received to address the humanitarian crisis, but it would not use food as a political tool. Zimbabwe also had a vibrant, independent and free press, and indeed, much of the misinformation mentioned in the statements of a number of delegations had been reported in that press. Finally, his delegation urged the de-politicization of human rights issues.

48. **Mr. Tamir** (Israel), speaking in exercise of the right of reply, said that three days earlier, an Israeli mother and her two children had been murdered in their home; the perpetrator of that crime was a member of the Fatah organization. The Palestinian Authority had condemned the killings and said that they would be investigated. His delegation was awaiting the findings of that investigation and hoped they would be presented before the end of the current session of the Committee.

49. **Ms. Otiti** (Uganda), speaking in exercise of the right of reply, wished to set the record straight in regard to the statement made by the representative of Canada under agenda item 109 (c), which very surprisingly put forward an argument sympathetic to the Lord's Resistance Army rather than condemning its atrocities. In its commitment to ending the suffering which had persisted in northern Uganda for over 16 years, her Government was taking urgent yet cautious steps to save its children from such horrors as abduction, rape and enslavement, to which end the country's President had even relocated to that region. Unable to tolerate that situation, which also created massive internal displacement and caused people to fear for their lives, Uganda would relentlessly pursue its efforts to re-establish the protected environments conducive to child development and to secure the release of all abducted children. It was essential to uphold the basic rights of children, which included protection and care during times of threatened insurgency.

50. She urged the Canadian Government to assist in solving the problem by dispatching representatives to visit northern Uganda in order to gather first-hand information as a preferable alternative to delivering superfluous statements. Notwithstanding the mistakes of its history, Uganda was now a country in which all freedoms were guaranteed under the Constitution and in which vigorous measures were under way to combat corruption. It was therefore extremely disappointing that the Canadian representative should have chosen to misrepresent the situation. Uganda would not deviate from its commitment to the protection and enjoyment of human rights by all of its citizens.

51. **Mr. Andrabi** (Pakistan), speaking in exercise of the right of reply, said that the Canadian representative had also chosen to make highly objectionable comments in regard to the human rights situation in Pakistan. He rejected the right of Canada to sit in judgement over countries which it had seemingly selected in an attitude strongly suggestive of human rights imperialism. Pakistan was not answerable to any other country for its human rights record. The

Canadian statement was seriously flawed in both its intent and content, ignoring as it did the wide range of Pakistani initiatives in connection with the promotion and protection of human rights. The Canadian statement had focused on the perceived shortcomings of Pakistan while at the same time ignoring the situation of human rights in Canada, as exemplified in the Amnesty International Report 2001, which cited the needlessly brutal treatment of protestors and indigenous citizens in particular by members of the Canadian police force, who often escaped with impunity.

52. Devoid of all credibility, the Canadian statement had singled out Pakistan for criticism, whereas the previous year's massacre of hundreds of Muslims in India and the human rights violations committed in Indian-occupied Kashmir had escaped all attention. In addition, in paragraphs 333 and 334 of its report (A/57/18), the Committee on the Elimination of Racial Discrimination expressed concern at the treatment experienced within the Canadian justice system by Aboriginals and people of African and Asian descent and the discrimination targeting such minorities in the field of employment. Lacking the criteria of objectivity, the Canadian statement not only demonstrated ignorance but was also marked by exaggeration, distortion and selectivity prompted by lack of moral courage, which were the identifying features of tabloid journalism. He consequently had no hesitation in rejecting such a tabloid statement in its entirety.

53. **Mr. Tekin** (Turkey), speaking in exercise of the right of reply, said that he had been unpleasantly surprised by the language used in the statement of the Greek representative. He had anticipated a more forthcoming approach, particularly since the basis for an agreement on a comprehensive settlement of the Cyprus problem had been established only the previous day within the framework of the United Nations. Instead, the attitude expressed raised questions about the sincerity of Greece towards the ongoing efforts to solve that problem. A more constructive stand would have been to encourage the Greek Cypriot leadership to engage seriously in the reconciliation process. The Turkish Cypriot authorities, however, would respond further to the statement in due course. Meanwhile, he emphasized that the solution to the Cyprus problem would not be found at the European Court of Justice and urged all parties to refrain from making destructive accusations and repeating the same allegations at a time when hopes for reconciliation had been raised.

54. **Ms. Sylow** (Norway), speaking in exercise of the right of reply, reiterated her previous statement that the full implementation of and respect for human rights was a challenge for all States, which should accordingly strive to improve their own human rights situations. No country, including her own, was exempt from that challenge and she wished to assure the representative of Cuba of the serious attention which Norway devoted to many of the issues and problems outlined in his response to her earlier statement. She also reiterated her view that every country had a responsibility and obligation to protect victims of human rights abuses and draw attention to any situation which aroused concern. Her Government had simply wished to exercise that prerogative and all others were equally free to do the same.

55. **Ms. Erotokritou** (Cyprus), speaking in exercise of the right of reply, said that the Turkish practice of circulating as United Nations documents letters written by the so-called representative of the Turkish Republic of Northern Cyprus was an abuse of the prerogatives of Member States. In following that practice, Turkey was knowingly acting in violation of Security Council resolutions 541 (1983) and 550 (1984). In her view, the goodwill and cooperation of the parties to the talks on Cyprus were demonstrated at the negotiating table. In that connection, she highlighted the statement issued by the Security Council on 7 July 2002 following a briefing by the Secretary-General's Special Adviser on Cyprus that the Turkish Cypriot side had been less constructive in the efforts to solve the Cyprus problem.

56. **Mr. Amorós Núñez** (Cuba), speaking in exercise of the right of reply, agreed with the comments of the representative of Norway in response to his own remarks. He also believed, however, that cooperation was a vital element in achieving respect for human rights. In that regard, he reiterated that the defence of and respect for the right of self-determination should form the basis of all such activities. Any attempt to alter the rich heritage of diversity created as a result of the world's differing socio-economic systems by imposing a single model would simply hinder the promotion of human rights. Objectivity, impartiality and non-selectivity, therefore, constituted the best approach to achieving the key element of cooperation in the field of human rights.

*The meeting rose at 5.10 p.m.*

United Nations A/C.3/57/SR.47

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## Third Committee

**Summary record of the 47th meeting**
Held at Headquarters, New York, on Wednesday, 13 November 2002, at 10 a.m.

*Chairperson* : Ms. Leyton ..... (Chile)

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Agenda item 104 : Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)*

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*In the absence of Mr. Wenaweser (Liechtenstein), Ms. Leyton (Chile), Vice-Chairperson, took the chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/56/3, A/57/12 and A/57/12/Add.1, A/57/203, A/57/324 and A/57/583)

1. **Mr. Tomič** (Slovenia) said that even though many refugees had been able to return home over recent years, millions of others still awaited protection from the international community.

2. Slovenia welcomed the process of Global Consultations, which had encouraged exchanges of opinion between the United Nations High Commissioner for Refugees (UNHCR), and other major partners in the field of international protection. It also welcomed the new Agenda for Protection, and would assist in its implementation.

3. The vital importance of the 1951 Convention on the Status of Refugees and its 1967 Protocol on the protection of refugees had been highlighted on the occasion of the fiftieth anniversary of its creation. Slovenia awaited with interest the conclusions of the annual Round Table on Current Problems of International Humanitarian Law.

4. UNHCR had been striving hard to integrate into its programmes the special needs of particularly vulnerable groups such as women and children. For its part, Slovenia had supported some major UNHCR activities, notably in environmental management, reproductive health and the battle against HIV/AIDS in refugee environments.

5. Slovenia agreed with the High Commissioner about the need to search for lasting solutions, based in particular on repatriation, reintegration, rehabilitation and reconstruction (the "4Rs"). Slovenia's position was based on its experience as a host country for refugees and displaced persons fleeing the conflict in the Balkans region. It was encouraging to note that the Balkans was now regaining a certain degree of stability, thanks notably to the Stability Pact for South Eastern Europe. Several major initiatives launched in 2001, including the Regional Return Initiative (RRI) and the Regional Programme of Action, had encouraged the return of minority groups to Croatia and to Bosnia and Herzegovina.

6. The process of returning refugees continued to be a difficult one, however, and should be supported by efforts to help the refugees recover a satisfactory level of self-reliance.

7. It was also important to recognize the wisdom of integrating refugees into host countries, as well as the contribution that they could make to such countries. In order to facilitate the integration of the many refugees from the Balkans into Slovenian society, the Government of Slovenia had offered them the opportunity to obtain permanent resident status and to attend various courses on Slovenia's language, culture and history.

8. **Ms. Martina** (Ukraine) said that Ukraine's recent adherence to the 1951 Convention and its 1967 Protocol on the status of refugees had helped lay the foundations for the formulation of national migration laws.

9. Despite its present economic difficulties, Ukraine attracted many refugees because of its liberal immigration laws, its interethnic harmony, its internal stability, and the tightening of immigration laws in western Europe. More than half of those granted refugee status in Ukraine wished to prolong their stay in the country, and some even wanted to establish permanent residence there.

10. Thanks to the active cooperation of UNHCR's Ukraine office, the Ukrainian Government had since 1994 hosted over 2,000 refugees, most of whom were from Afghanistan, and set up assistance and integration programmes.

11. Ukraine also welcomed the assistance it had received from UNHCR in its efforts to implement its recently revised law on citizenship. That assistance had taken the form of training and sensitization activities and technical support. She was also grateful for the assistance Ukraine had received from UNHCR, the United Nations Development Programme (UNDP), the United Nations Crimea Integration and Development Programme, the International Organization for Migration (IOM), the Economic Commission for Europe (ECE), the International Committee of the Red

Cross and other organizations, as well as donor countries, in its efforts to deal with the issue of returnees and their integration into Ukrainian society.

12. One of Ukraine's priorities in the area of migration was the return of the Tatars to Crimea and the return of other nationals deported during the period of the totalitarian regime, and their reintegration into their homeland. Since the 1990s, over 260,000 former deportees and their families had returned to Crimea.

13. The efforts made to resolve the question of the citizenship of returnees within a multilateral framework, notably through the Commonwealth of Independent States (CIS) Agreement on questions relating to the restoration of the rights of deportees, national minorities and peoples, had achieved limited success. The Ukrainian Government therefore intended to negotiate a number of bilateral accords, such as that reached with Uzbekistan, under which some 23,000 people had been granted Ukrainian citizenship.

14. The Ukrainian governmental agencies responsible for migration issues would benefit from the support of the international community in the areas of human resources training, technology, administration, follow-up and evaluation. The Ukrainian Government very much hoped that UNHCR would continue helping to improve existing programmes and to strengthen cooperation between government institutions and non-governmental organizations, so that Ukraine could address problems relating to refugees, asylum-seekers, and former deportees.

15. **Ms. Rodsmoen** (Norway) said that it was important to begin a fundamental discussion, without further delay, on the operations and funding of UNHCR. As the High Commissioner himself had noted, there was a widespread misunderstanding of just how precarious the organization's financial situation was.

16. UNHCR had for several years suffered serious financial difficulties that had virtually paralyzed its operations. That situation had exacerbated the plight of refugees because UNHCR had been unable to bring them all the assistance they needed.

17. The system for funding UNHCR's budget should therefore be re-examined. The first requirement for remedying the situation was to promote a better sharing of responsibilities. All those responsible for adopting UNHCR's budget should participate in its funding, rather than leaving the task to just a few States. The ultimate goal was to ensure that the budgeted resources were effectively available.

18. One solution would be to increase the transfers made from the United Nations' ordinary budget in order to cover UNHCR's administrative spending, as provided for in UNHCR's statutes. If, on the other hand, there should be a preference for retaining the principle of voluntary contributions, then donor activities should be better coordinated. Also, UNHCR's funding base should be expanded to include as many States as possible.

19. Norway welcomed UNHCR's expressed desire to explore new approaches to funding and to reconsider certain questions relating to UNHCR's operating methods. She therefore looked forward to the discussion due to be held next year by UNHCR organs and the General Assembly concerning UNHCR's proposed "Convention Plus" initiative.

20. Rather than simply accepting the present situation, the international community should, as a matter of urgency, seek lasting solutions to the refugee problem, particularly in the context of protracted refugee situations. While continuing to devote itself exclusively to humanitarian and social action, and eschewing any political position, UNHCR should also continue to promote lasting solutions to the question of refugees. Those solutions, which should apply to as many refugees as possible, should also benefit host countries, notably within the framework of the "development by integration" approach advocated by the High Commissioner.

21. Norway hoped that the present difficulties would encourage the international community not just to give new impetus to the vital tool that UNHCR represented, but also to seek innovative solutions to the problem of long-term refugees.

22. **Mr. Schurti** (Liechtenstein) said that his country had increased its contribution to UNHCR's general budget and to the country programmes for Afghanistan, Sierra Leone and Liberia.

23. Although the reduction in the number of refugees around the world was certainly to be welcomed, it should also be noted that the refugee question remained one of the most serious of all humanitarian problems and that many refugee situations had deteriorated into

protracted crises that could potentially destabilize certain regions.

24. Liechtenstein therefore welcomed UNHCR's expressed desire to seek lasting solutions, particularly within the context of its "Convention Plus" initiative, which was designed to address situations not covered by the 1951 Convention.

25. The new multilateral agreements that would complement the Convention should make it possible not just to limit humanitarian crises but also to alleviate the burden that they represented. International cooperation should ensure that refugees were afforded protection and assistance as near as possible to their place of origin, in order to facilitate their repatriation and integration. The international community should also ensure that refugees living in the camps did not become the victims of criminal activities such as trafficking in human beings.

26. As the High Commissioner had stressed, host countries should not regard refugees and asylum-seekers solely as a burden, but also as individuals who were capable of contributing towards development. The experience of Liechtenstein had provided conclusive evidence of that. The refugees hosted by Liechtenstein (most of whom had come from Bosnia and Herzegovina and from Kosovo) had been able to earn their living while enjoying a special protected status. That arrangement had not only reduced the cost of hosting the refugees, but had also helped the repatriation process significantly, since virtually all the refugees had been able to take home savings with which to rebuild their communities. Furthermore, offering employment opportunities to refugees and asylum-seekers ensured that they were perceived more positively in the host country, thereby limiting stereotypes and manifestations of xenophobia.

27. Discrimination, xenophobia and intolerance towards refugees seemed to be on the increase. States should adopt the measures necessary to protect the basic rights and freedoms of refugees, who were among the world's most vulnerable population groups. The principle of the prohibition of expulsion or return was based on the idea that refugees' right to life required special protection. Moreover, in the context of the war on terrorism, the protection and promotion of human rights required particular attention. The Programme of Action on refugee protection, which had been adopted unanimously by States parties to the Convention in December 2001 at the Global Consultations on international refugee protection, set out a list of practical directives for UNHCR, States, and other partners. In particular, States were required to act with discretion and to ensure scrupulous respect for the rule of law.

28. **Ms. Dempster** (New Zealand), referring to the ministerial-level meeting of States parties to the 1951 Convention on the status of refugees, held in Geneva in December 2001 as part of the process of Global Consultations on international protection, said that although the Convention remained the basic instrument for international refugee protection, it was no longer adequate to deal with the growing complexity of today's problems. She therefore applauded the efforts of the High Commissioner to revitalize the system of refugee protection and welcomed the adoption of the Agenda for Protection following the process of Global Consultations, as well as his "Convention Plus" initiative. Both initiatives had been the central focus of discussions during the fifty-third session of the Executive Committee of the High Commissioner's Programme (ExCom), held in October 2002. New Zealand, which had participated for the first time in an ExCom session as member, had expressed its firm desire to help combat trafficking in persons and trafficking in migrants. New Zealand also intended to play an active role in the follow-up to the Agenda for Protection and to the "Convention Plus" initiative.

29. With regard to UNHCR's serious budgetary difficulties, the international community should be ready to provide the appropriate support to the High Commissioner's actions. Because 7 out of 10 refugees were hosted by some of the world's poorest countries, developed countries should strive to improve the sharing of burdens in refugee protection. New Zealand was bearing its share of the burden, notably by funding United Nations refugee programmes and by accepting an annual quota of refugees from UNHCR. She welcomed the High Commissioner's efforts to expand the community of host countries.

30. The New Zealand region was not immune to the repercussions of the refugee problem and the increase in trafficking in persons, as demonstrated by the events surrounding the merchant ship Tampa in August 2001. On that occasion, New Zealand had found an immediate solution to the humanitarian crisis, initially accepting 131 asylum-seekers who had been on board the ship and subsequently accepting 14 more shipwreck

victims who had transited in Nauru. Those 145 Afghan refugees were now perfectly integrated into the country and were contributing to the cultural diversity that was characteristic of New Zealand society.

31. New Zealand was not the only country in the Asia Pacific region to be affected by the refugee problem. Thirty-eight countries in the region (whether countries of origin, transit countries or host countries) had taken part in the First Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, which had been held in Bali (Indonesia) in February 2002 and co-sponsored by Australia and Indonesia. Since then, Governments in the region had been working actively to develop a joint regional strategy to combat such crime. For its part, New Zealand had taken an active part in the follow-up to the conference, and was leading a group of experts charged with strengthening regional and international cooperation. More broadly, New Zealand wished to play its part in all initiatives introduced by UNHCR with a view to addressing shortcomings in the present system of refugee protection.

32. **Mr. Gaspar Martins** (Angola), speaking on behalf of the member States of the Southern African Development Community (SADC), welcomed the adoption of the Agenda for Protection, which offered a realistic framework for joint global action aimed at guaranteeing protection for refugees, with international cooperation and partnerships having a central role to play. He expressed optimism regarding the results achieved by Africa in its efforts to regulate the situation of refugees and displaced persons on that continent, which was host to 26 per cent of persons of concern to UNHCR around the world (with 42 per cent of refugees in Africa being hosted by SADC countries).

33. The progress towards peace recently achieved in the SADC region was particularly encouraging. The peace achieved in Angola was the result of efforts made at the national, regional and international levels with a view to achieving lasting and comprehensive solutions to today's complex problems. Since the signing of the ceasefire agreement, in April 2002, some 10,000 Angolans had returned home voluntarily, and UNHCR estimated that 80,000 would have returned home by the end of 2002.

34. Angola called upon the international community, Governments, non-governmental organizations and civil society in general to cooperate with UNHCR, on the basis of mutual support and the sharing of responsibilities, in order to guarantee the repatriation of refugees, in full security, and their reintegration into their countries of origin. The SADC believed that UNHCR should review and strengthen its various partnerships, especially those with the World Bank, UNDP, the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP), the Office of the High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), and the International Organization for Migration (IOM), because it was convinced of the important role those organizations played in the socio-economic reintegration and resettlement of refugees and displaced persons. Those partnerships at the international level must be complemented by partnerships with a range of regional and subregional organizations, notably the African Union (AU), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and SADC. Those partnerships could help identify lasting solutions, within frameworks such as the New Partnership for Africa's Development (NEPAD).

35. SADC member States that hosted refugees provided basic education for children and training for women in income-generating activities within the context of national programmes. They were particularly affected by the HIV/AIDS epidemic, and therefore attached the highest priority to the battle against the scourge that it represented. The persistent drought that threatened the lives of nearly 14.8 million people in the region continued to increase the vulnerability of the population, including refugees and displaced persons, and the health situation in some countries was deteriorating to an alarming degree. Countries in the region therefore appealed to the international community to provide them with the humanitarian aid necessary to prevent famine and increased poverty.

36. Mindful of the need to continue to work closely with UNHCR on the question of refugee movements, the SADC had held two regional workshops, in Lusaka and Pretoria, aimed at achieving a consensus on fundamental concepts and issues concerning women's and children's rights and gender-based violence, including sexual exploitation. The SADC deplored the recently uncovered cases of sexual exploitation and

therefore welcomed UNHCR's adoption of a code of conduct for its staff.

37. As regards UNHCR's worrying financial situation, Angola regretted its repercussions for African countries, particularly with respect to the heavier burden imposed on host countries. It therefore urged all States to respond rapidly to the appeal for funds launched by UNHCR, in the firm belief - shared by all SADC countries - that the southern African region was on the road towards peace, stability and security. The SADC was ready to play a major role in implementing NEPAD in order to help combat poverty and to promote sustainable development.

38. **Mr. Ousmane** (Algeria) said that even though the number of refugees of concern to UNHCR had fallen in 2001, general instability and persistent unrest had led to population displacement, especially in Africa. Furthermore, due to poverty, the lack of career prospects, and insufficient resources, those displaced population groups were in a highly vulnerable condition. Efforts should therefore be made to seek lasting solutions to refugee problems, not just through preventive action, but also by improving coordination between those responsible for implementing humanitarian and development actions. Algeria had always supported UNHCR and believed that the High Commissioner's mandate should be renewed. Out of a spirit of solidarity, it would continue to provide assistance to refugees from the Western Sahara until a final settlement of the conflict in that region had been achieved. It urged the international community to give UNHCR greater financial support, in particular so that it could assist developing countries, which hosted the highest number of refugees, until definitive solutions could be found to the root causes of population displacements.

39. **Ms. Effah-Apenteng** (Ghana) said that UNHCR was able to assist only half of the world's 50 million displaced people. The international community was faced with new emergency situations which affected Africa in particular. Political instability, the intensification of conflict situations, and the constant occurrence of natural disasters further exacerbated the continent's precarious condition. Ghana therefore welcomed UNHCR's efforts to strengthen cooperation between UNHCR and Africa's various regional bodies and to revitalize its cooperation with the African Development Bank with a view to promoting efforts to provide lasting solutions for displaced persons.

40. The revitalization of the African Union and the creation of NEPAD demonstrated the desire of African countries to regain the initiative in the battle to overcome the political, social and economic obstacles that had plagued the continent of Africa for too long. Her delegation welcomed UNHCR's declared intention to support African and multilateral initiatives, as well as its decision to adopt an approach based on particular African population groups or situations, and the signing in November 2000 of a memorandum of understanding with ECOWAS. For its part, Ghana was eager to play an active role in those cooperation efforts.

41. Ghana welcomed the Agenda for Protection, which was a strategic document forged by the process of Global Consultations on international protection to steer the actions of Governments, international organizations and all partners concerned with the problems of refugees. Ghana was in favour of all measures aimed at implementing multilateral agreements, and was particularly interested in the "Convention Plus" initiative, which was designed to complement the 1951 Convention on the status of refugees.

42. With respect to the particular situation of women and child refugees, who accounted for over 70 per cent of the world's 50 million refugees, and to their particularly vulnerable condition (which had been demonstrated by recent events), Ghana condemned, in the strongest possible terms, the heinous acts of sexual exploitation committed against them. UNHCR should be warmly congratulated for implementing a programme against sexual exploitation in Africa and elsewhere. Ghana welcomed the active participation of women refugees as well as the efforts of the working group set up by the Inter-agency Standing Committee, which was notably charged with preventing exploitation and sexual violence in situations of humanitarian crisis.

43. Lastly, her delegation wished to stress the importance of providing UNHCR with appropriate funding and with unreserved support for all its initiatives aimed at strengthening cooperation with other United Nations partner organizations (World Bank; UNDP; the United Nations Population Fund, UNFPA; and UNICEF), because UNHCR played such a vital role in the global process of peacekeeping and maintaining international security with a view to ensuring socio-economic development.

44. **Mr. Mwakawago** (United Republic of Tanzania) said that Tanzania endorsed Angola's statement on behalf of the SADC. Referring to paragraph 50 of the High Commissioner's 2001 report (A57/12), he regretted the fact that nothing had been said about why "there were signs of declining public tolerance of refugees, particularly among impoverished local communities in the hosting regions" or about the plight of the 170,000 refugees who had not received assistance from UNNHCR. Lamenting the report's omissions, he recalled that since the late 1950s Tanzania had consistently hosted refugees; that in the 1970s it had voluntarily offered to naturalize over 30,000 Rwandan refugees (an offer that had been accepted by 7,000 of those refugees); that in 1993, following the assassination of Burundi's President, it had given asylum to a large number of Burundian refugees; and that in 1994, following the aeroplane crash that had taken the lives of the Presidents of Rwanda and Burundi, it had been obliged to host more than 600,000 Rwandan refugees, with communities close to Rwanda and Burundi hosting over 500,000 refugees, leading to a state of demographic disequilibrium, with the flow of refugees accelerating the deterioration of the environment and producing an increase in crime. The Government of Tanzania was therefore extremely concerned that it was being asked to continue its open its borders to refugees (while other countries were closing theirs) without receiving adequate support from the international community.

45. Although his delegation was willing to search for innovative solutions to the refugee problem, it was concerned about the High Commissioner's initiative to achieve development through on-site integration, and believed that it should be subjected to careful and selective scrutiny, on a case-by-case basis. The High Commissioner should consult ExCom and the other parties involved and then report back to the General Secretariat before implementing the initiative. The Government of Tanzania remained convinced that voluntary repatriation, not integration, was the best way to achieve a lasting solution to the refugee problem. By participating in efforts to reconstruct their countries of origin, returnees could help promote the process of national reconciliation.

46. The United Republic of Tanzania welcomed the initiatives proposed by the High Commissioner regarding post-conflict situations and believed that they would help achieve the goal of the "4Rs" (repatriation, reintegration, rehabilitation and reconstruction).

47. Lastly, his delegation was deeply concerned at the decline in resources allocated to UNHCR, as well as by its consequences for all parties involved. There was a danger that, in view of the budget deficit of 25 million dollars announced in the report, the onus to provide assistance to refugees would fall increasingly upon hosting States, most of which were already struggling against poverty.

48. **Ms. Msadabwe Lambart** (Zambia), after expressing her delegation's support for Angola's statement on behalf of the SADC, said that Zambia was currently hosting some 270,000 refugees. Ever since UNHCR had opened its first camp for African refugees, in 1966, Zambia's policy had been to welcome asylum-seekers, and the material and financial costs of that policy had been very high. In 2001, a further 21,500 Angolan refugees had arrived in Zambia, where they made up the largest refugee group. However, since the peace agreement signed by the National Union for the Total Independence of Angola (UNITA) and the Angolan Government, the influx of refugees had slowed significantly.

49. Of the around 270,000 refugees in Zambia, 134,809 lived in the country's urban and rural areas, participating in the social and economic life of the local population. The remainder lived in the country's various settlements, camps and transit centres. Because they were so numerous, the refugees were placing a considerable strain on the economic and social infrastructure of hosting regions. The situation was made all the more serious by the fact that they received no humanitarian aid from the international community. The refugees represented an additional burden for social services, especially in the areas of, education, health, and water supply and sanitation, where supply levels were already insufficient. As a result, local authorities were becoming increasingly overwhelmed.

50. The presence of armed elements and former combatants among Zambia's refugee population had led to the proliferation of illegal weapons and an increase in armed crime, which seriously threatened national peace and stability, especially in border regions. In order to combat the illicit trade in small arms and light weapons conducted by some former combatants, the Zambian authorities were disarming refugees who were known to be former combatants and

separating them from civilian refugees, in order to ensure that they did not use refugee camps and settlements as places in which to regroup. Civilian refugees were therefore protected against violence and forced conscription. The camp for asylum-seekers who were former combatants was set up in 2000 and presently held 2,278 refugees.

51. Despite those difficulties, the Zambian Government was determined to keep its doors open to refugees and other asylum-seekers and to search for a lasting solution to the problem at the local level. The Zambian initiative, which could not achieve the desired results without the assistance of the international community, thus aimed to improve the situation of refugees and local population groups, particularly in the areas of health, education, water supply and sanitation, agriculture, environment and infrastructure. The initiative had been welcomed by Zambia's partners, and the United Nations country team had already offered its support. The international community was invited to provide material and financial assistance, through the competent United Nations bodies. Zambia thanked the Governments of the United Sates of America, Japan and Norway for the assistance they had provided, both in cash and in kind. Zambia paid tribute to the activities conducted in the field by non-governmental organizations, and urged the international community to support those activities.

52. The measures adopted by Zambia to deal with the question of refugees focussed on the refugees' hope that they would one day be able to return to their countries of origin when the political situation allowed. That might soon prove to be the case in Angola, the Democratic Republic of the Congo, and Rwanda. It should be stressed that 10,000 Angolan refugees had already returned home, entirely of their own volition and without assistance. Zambia hoped that a tripartite framework would soon be set up between the Angolan and Zambian Governments and UNHCR, with a view to initiating, by the start of 2003, the biennial programme for the repatriation of around 70,000 Angolans per year. That programme would entail additional spending, not just by UNHCR, but also by the Governments concerned. Under the terms of Zambia's initiative, the Zambian authorities would continue to provide farming land for refugees who chose to remain in the country.

53. **Mr. Dogan** (Croatia), drawing the Committee's attention to the section of UNHCR's report (A/57/12) concerning South-eastern Europe, said that he wished to provide additional information concerning the return of refugees to Croatia.

54. The Croatian Government was doing everything in its power to facilitate the return of all the refugees - including those who had been displaced - to their home regions. In particular, it was trying to speed up reconstruction of homes and infrastructures destroyed during the war, while offering temporary shelter, carrying out mine clearance activities, and promoting the economic recovery of the areas to which the refugees would be returning. The recovery of those areas was of particular importance because merely reconstructing homes and infrastructures was not enough to ensure the lasting return and reintegration of returnees. With respect to the other major issue - the recovery of property - the Croatian Government had in October 2001 adopted a draft law on the recovery of property and housing in order to implement the national plan of action adopted in December 2001, which would mainly benefit refugees returning from Bosnia and Herzegovina and the Federal Republic of Yugoslavia. The draft law, which was scheduled for completion by the end of 2003, provided for a comprehensive set of measures, including the recovery of 3,968 homes before the end of 2002 and the allocation of supplementary funds for the construction, renovation and repurchase of homes. The Croatian Parliament had approved several amendments to the law on reconstruction and the law on priority State matters. The amendments had established property recovery procedures that were more coherent and more transparent, because they repealed all discriminatory provisions and guaranteed that all returnees would enjoy the right of return, under conditions of equality, and without distinction as to nationality. All the measures introduced were helping to improve the overall situation and facilitating the reintegration of expatriate citizens. As a result, 66,882 people had been repatriated to Croatia Over a period of two-and-a-half years. Of that total, 36,797 belonged to minority groups and had returned from the Federal Republic of Yugoslavia or Bosnia and Herzegovina.

55. The return of refugees and displaced persons was no longer a political question, but depended essentially on the economic situation of the Croatian regions concerned. Although the Croatian Government had been forced to make new budget cuts to meet the recommendations of international financial institutions

and to adapt its economic system to that of the European Union, it continued to fund the bulk of the measures announced, and remained determined to implement fully all activities aimed at refugees, displaced persons and returnees.

56. **Mr. Abuelgasim** (Sudan) said that, due to its geographical location, Sudan had, for the past 30 years, hosted an increasing number of refugees, generously and without restriction, despite the economic and environmental consequences. He hoped that the international community would continue to provide humanitarian assistance to refugees until their voluntary repatriation under conditions of peace and dignity. Responsibilities should be shared between host countries, UNHCR, and the international community. Since UNHCR was gradually disengaging from refugee assistance and protection activities, new impetus should be given to relief efforts deployed by Sudan, notably with regard to natural resources, infrastructure, health, and education.

57. Sudan was cooperating with UNHCR and with the refugees' countries of origin and implementing the voluntary repatriation programme while striving to accelerate the process for Ethiopian and Eritrean refugees. The most sustainable solution was to facilitate reconstruction of the countries of origin before accelerating the voluntary repatriation process for refugees and displaced persons.

58. With respect to the protection of refugees, especially children and minors, as well as the protection of their basic rights, Sudan (which applied the principle of the "4Rs") appealed for cooperation from UNHCR. He was very concerned that the level of resources allocated had declined significantly and no longer covered the spending required for programmes approved by ExCom. That decline in resources was having a negative impact on UNHCR's activities in Africa, where needs were even greater than in other geographical regions. He endorsed the High Commissioner's appeal for donors to increase their contributions and seek innovative ways to increase resources.

59. Sudan had always guaranteed the security of United Nations officials and emergency field workers, who were an essential part of efforts to protect refugees (especially vulnerable population groups), and Sudan deplored the killing of such personnel.

60. Sudan reaffirmed its determination to respect regional and international human rights instruments, but wished to enter a reservation to Article 26 of the 1951 Convention, in order to respect its obligations under article 3 of the 1969 Organization for African Union Convention on refugees.

61. **Ms. Saiga** (Japan) said that she was delighted that the situation of refugees in Afghanistan was finally beginning to improve, and that in Sierra Leone, Angola, the Democratic Republic of the Congo, and Sri Lanka, the peace process was progressing. She wished to assure those countries of her support in their efforts to consolidate peace, which would clearly take time to bear fruit. The cautious optimism inspired by the progress achieved should not be allowed to obscure the reality of unresolved conflicts such as that taking place in Liberia, or of recently emerged problems, such as those in Côte d'Ivoire.

62. Japan would continue to support efforts to identify lasting solutions, which were a key element in refugee protection, and essential, not just in terms of ensuring that the international community did not weary of providing asylum and funds, but also in terms of giving hope to refugees. Indeed, the guiding principle in that regard should be the desire to demarginalize refugees, as much as to protect them. That was why Japan would lend its full support to the "4Rs" approach proposed by the High Commissioner, as well as to the concept of development by local integration, which sought to give refugees the opportunity to become agents for the development of the countries that had offered them asylum.

63. In Afghanistan, Japan had launched its regional comprehensive development assistance programme (the "Ogata Initiative"), which was designed to ensure a seamless transition from humanitarian assistance to assistance with the reconstruction of the country, and which might provide an opportunity to "test" the "4Rs" approach. Japan had given UNHCR 33 million dollars in financial assistance, in order to support its efforts to ensure the lasting and secure reintegration of returnees. Japan extended its warmest thanks to neighbouring countries that had agreed to host the millions of refugees.

64. Japan wished to express its support for the concept of development through local integration envisaged under the Zambian initiative, which was aimed at evaluating development needs in the west of

the country. Once those needs had been determined, several countries, including Japan, would endeavour to meet them. In order to ensure the success of the operation, it would also be necessary for the host country to take over its administration, for donor countries to provide assistance, for development agencies to lend their support, and for UNHCR to act as the catalyst.

65. Japan was participating in efforts to find lasting solutions through the Japan International Cooperation Agency (JICA), a joint enterprise inspired by the belief that if bilateral development agencies were to focus on meeting the needs of communities sheltering refugees, then UNHCR could focus on protection and assistance activities. A complementary assistance programme of that kind had already been introduced in Kigoma, in western Tanzania.

66. At its fifty-third session, ExCom had approved the Agenda for Protection, which contained 169 recommendations for those involved in refugee problems, including civil society. Japan intended to participate actively in discussions on implementing the Agenda. In 2002 it had decided to increase its support for efforts to accommodate duly recognized refugees within its borders, as well as to improve the living conditions of asylum-seekers. It was also re-examining its procedures for recognizing refugee status. In that regard, Japan was particularly concerned about the protection of refugees and wished to stress that refugees could participate in development only if they were fully integrated in society, whether in their countries of origin or elsewhere.

67. **Mr. Laurin** (Canada) said that the Global Consultations on international protection and the adoption of the Agenda for Protection had given renewed impetus to the search for innovative ways to meet the needs of refugees around the world. Durable solutions had at last been found for Afghan refugees, and those solutions could be applied to other protracted situations, such as the situation in Angola.

68. Canada continued to adhere to the principles of international solidarity and to contribute actively to efforts to improve the sharing of burdens. It welcomed the reforms introduced by the High Commissioner to make administrative and oversight staff more responsible. Canada supported the renewal of the mandate of the High Commissioner, and looked forward to reading his 2003 report. However, in order to ensure the success of the aforementioned reforms, he should ensure that States and other partners, especially non-governmental organizations, other United Nations agencies, and international financial institutions, were participants from the outset.

69. Because the concept of protection should lie at the heart of actions undertaken, Canada preferred to place the emphasis on the principle of the prohibition of expulsion or return set out in the 1951 Convention and its 1967 Protocol, as well as in international customary law.

70. Canada welcomed the High Commissioner's proposals for implementing the Agenda for Protection, and backed the idea of holding a forum on international protection that might promote discussion about new strategies for meeting refugees' needs, as well as complement the work of the Inter-agency Standing Committee and of ExCom itself. Canada also supported the "Convention Plus" initiative, which emphasized a flexible approach to the problems posed by secondary movements of refugees and asylum-seekers, as well as the need to find more equitable arrangements for burden-sharing and to improve access to resources for development aid in order to meet refugees' needs.

71. Canada welcomed UNHCR's emphasis on lasting solutions, self-reliance, and the need to recognize the useful contribution that refugees could make to host countries, and urged States to ensure that local integration became a de facto and de iure reality. It also welcomed the insistence on the transition from humanitarian assistance to development, the fact that the High Commissioner was working to achieve that goal together with international financial institutions and non-governmental organizations, and the recognition that refugees' needs should be taken into account in the planning process. Canada also welcomed the links that ExCom had established with NEPAD, and the fact that some aspects of the G8 Africa Action Plan were directly concerned with the search for lasting solutions.

72. Canada shared the High Commissioner's concerns regarding mixed flows of refugees and economic migrants, and therefore believed that it was vital to be able to distinguish between the two types of movement in order to preserve the integrity of the asylum system and maintain support for international protection.

73. Canada believed strongly that it was necessary to ensure not only the legal protection of refugees, but also their physical and social protection, and that it was therefore vital, in order to maintain security in the camps, that combatants be separated from non-combatants as early as possible, that the camps be properly administrated, and that community services and measures aimed at protection and assistance be coordinated. Canada was concerned at the allegations of sexual violence in the camps and wished to emphasize the need to ensure that refugees were neither exploited nor mistreated. It therefore approved the formulation and implementation of the plan of action by the Inter-agency Standing Committee as well as the formulation and implementation of the code of conduct by UNHCR.

74. **Mr. Goussous** (Jordan) said that his country had been involved in the question of the new international humanitarian order ever since its first appearance on the agenda of the General Assembly. The new world order called for by the then President of the United States of America, following the end of the Cold War, had done nothing more than exacerbate the world's state of disarray, leading to ever increasing numbers of victims of armed conflicts and of human rights violations.

75. His delegation wished to pay tribute to humanitarian agencies and to the efforts of the United Nations to increase the coordination and effectiveness of their actions. It was of course essential to provide relief to the victims, but that alone was not enough. Efforts should also be made to eliminate the root causes of the problems involved while providing victims with the means for survival. International action on humanitarian emergencies should be rationalized. His delegation therefore welcomed the initiative of the delegation of Bosnia and Herzegovina regarding the basic principles of humanitarian action in emergency situations.

76. Efforts should be made - especially in developing countries – further to increase the consolidation of local and national mechanisms for prevention and for overseeing emergency humanitarian situations. The donor community should support the strengthening of local capacities and promote self-reliance, rather than increase the burden of debt. For their part, developing countries should set up early-warning systems and seek to identify local solutions to existing or potential humanitarian problems. In that regard, his delegation supported the Secretary-General's proposal to set up national commissions that would work to identify solutions while assisting efforts undertaken at the national and international levels, thus enhancing such efforts while also gaining a greater understanding of them. The Commissions would also function as national discussion partners of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

77. While his delegation welcomed the decline in the number of refugees, it believed that much more importance should be attached to the problem of internally displaced persons, whose numbers presently far exceeded those of refugees. The Secretary-General had on several occasions insisted on the need to find solutions to the many humanitarian questions often neglected in the past, such as the problem of the expulsion and subsequent return of large population groups. His delegation wished to draw the Committee's attention in particular to war widows and orphans, victims of unrest, and handicapped persons, whose plight was of particular concern to Jordan. With respect to Jordan's recommendation that a special group of government representatives be set up, his delegation wished to point out that such a group could help formulate the agenda for humanitarian action proposed by the Secretary-General and would provide a valuable complement to the Agenda for Peace and the Agenda for Development.

78. The draft resolution that his delegation would be submitting to the Third Committee had been inspired by a number of resolutions previously adopted by the General Assembly, and he therefore hoped that it would be adopted without a vote.

79. **Mr. Paiva** (Observer for the International Organization for Migration) recalled that the High Commissioner had referred in his opening remarks to the relationship between forced and voluntary migration in a changing world, and the need to tackle international migration, especially refugee movements, through a global, forward-looking approach. Such an approach would require that OIM and UNHCR engage in regular discussions about ways to strengthen cooperation, especially in cases where questions of asylum and migration intersected. The two organizations had worked closely together since their creation in the 1950s, but their collaboration had initially focused largely on resettlement in third countries. Since then, they had been brought closer

together by large-scale emergency operations, and they had cooperated in areas as diverse as voluntary repatriation, development through local integration, capacity-building, awareness-raising campaigns, and the promotion of intergovernmental dialogue.

80. At present, international population movements were increasing and comprised mixed flows of people leaving their countries for different reasons. It was therefore all the more important that the international community comprehend the link between asylum and migration, which, moreover, was one of the key issues considered during the Global Consultations held under UNHCR's auspices. To that end, the two organizations had set up a joint action group on asylum and migration, which met regularly to consider overall policy and ways to strengthen their cooperation.

81. The international community as a whole should identify management practices that would encourage organized population movements and discourage irregular migration, and that process would require closer cooperation, considerable flexibility, and a balanced approach.

82. **Ms. Lewis** (International Labour Organization) noted that ILO was required under its mandate to pay particular attention to the protection of international migrant workers. She agreed with the High Commissioner that the demarginalization of refugees required the promotion of self-reliance and development through local integration. Recent research had shown that certain aspects of globalization tended to encourage migration, so that the distinctions that traditionally separated refugees, as defined in the 1951 Convention, and persons displaced for other reasons, had become increasingly blurred. Some people sought refuge in a neighbouring or third country in order to flee war, human rights violations and generalized violence, and yet did not regard themselves as refugees. On the other hand, migrant workers, who were often in an irregular situation, did claim refugee status. Once authorized to travel, those who had been granted refugee status by States were often treated the same way as other migrants, whether under labour laws or administrative laws, or by employers and the general public. Moreover, manifestations of hostility towards foreigners or xenophobic violence did not generally make any distinction as to the legal status of the victims, as had been made clear during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

83. The concerns of ILO and UNHCR coincided on three points. First, migrants and refugees were human beings who found themselves, outside their countries, in situations of insecurity, and their rights had to be protected. Second, such refugees were also workers, for whom a job was an essential means to recover their identity and security, whether they were trying to integrate themselves into host countries or resettlement countries, or whether they were returning home under a voluntary repatriation programme. Third, it was necessary to formulate a coherent international policy which, in order to take account of the refugee and migration elements of the workforce, must provide measures and mechanisms other than the asylum system, to govern regular migration; incorporate the migrant and refugee dimension in policies on development, assistance, and investment; regularize the situation of long-term refugees in an irregular situation; and introduce legislation to combat discrimination against non-nationals.

84. In 2004, migrant workers would be the subject of the general debate of the International Labour Organization. Moreover, international governance for migration had been included in the agenda of the World Commission on the Social Dimension of Globalization, which would present its conclusions and recommendations during 2003, and in which UNHCR would be participating.

85. In the field, cooperation between ILO and UNHCR had recently developed considerably and was concerned with interventions in humanitarian emergencies. Over the past three years, ILO had been at the forefront of crisis intervention and employment-focussed reconstruction activities in Afghanistan, Angola, the Democratic Republic of the Congo, Timor-Leste, Ethiopia, Sierra Leone, Kosovo, Somalia, southern Lebanon, and Sri Lanka, among other countries. Furthermore, a working group on the partnership between UNHCR and ILO met on a regular basis and formulated joint projects to deal with major crises.

*The meeting rose at 12.35 p.m.*

United Nations A/C.3/57/SR.48

General Assembly
Fifty-seventh session

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## Third Committee

**Summary record of the 48th meeting**
Held at Headquarters, New York, on Wednesday, 13 November 2002, at 3 p.m.

*Chairman*: Mr. Wenaweser ..... (Liechtenstein)

## Contents

Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 109: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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02-69184 (E)

*The meeting was called to order at 3.10 p.m.*

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/56/3, A/57/12 and Add.1, 203, 324 and 583)

1. **Mr. Cardoso** (Brazil) observed that refugee law, along with human rights law and humanitarian law, was one of the pillars of the international regime for the protection of individuals. Brazil attached great importance to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and their implementation should take into account other sources of law such as United Nations resolutions and regional declarations and conventions. During the Global Consultations on International Protection, the international community had overwhelmingly reaffirmed its commitment to the Convention. The Agenda for Protection, the outcome of the Global Consultations, provided a basis for future cooperation among States, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations and other intergovernmental organizations and non-governmental organizations, and constituted a framework for dealing with the changing situation of refugees.

2. Despite unfortunate incidents of smuggling of people and the recurring waves of economic migrants, it was very important for the developed countries, especially those adopting more restrictive immigration and anti-terrorist measures, to continue to keep their borders open to refugees. There must be greater coordination between the Office of the High Commissioner and other bodies dealing with humanitarian issues within the United Nations system, and the Office must be given more financial resources for the integration or voluntary repatriation of refugees currently in developing countries. For those refugees who could neither return home nor safely remain in the first country to host them, resettlement to a third country was sometimes the only option.

3. Brazil had welcomed a small group of Afghan refugees for resettlement in April 2002. Partnerships between the Government and civil society in Brazil had proved decisive in meeting their basic needs, facilitating their access to the job market, social security and the public health service. Brazil hoped that UNHCR would maintain an active presence in Brazil and consider reopening its office, at least in the short term, to help with the local integration of the refugees. It was up to member States to provide UNHCR with the political and material support that it needed, for the fate of millions hung in the balance.

4. **Mr. Madej** (Poland) observed that, simply by protecting refugees and seeking durable solutions to their plight, States contributed to international peace and security. One of the greatest challenges seemed to be to address properly and effectively the root causes of the refugee problem, which were persecution and conflict.

5. In Poland, there had been a fourfold increase in the number of applicants for refugee status since 1996. The Aliens Act of 1997 had introduced new refugee and asylum procedures, in full conformity with the applicable European law, and it had been drafted in consultation with non-governmental organizations in the field. A 2001 amendment to the Act had expanded protections for applicants and established new regulations for children and for applicants who became victims of abuse and violence. There were plans to regulate the issues of temporary or subsidiary protection, refugee status and asylum procedures in an enactment separate from the amended Aliens Act. His Government was also preparing an agreement with the International Office for Migration (IOM) to provide voluntary returnees with proper assistance. Although for most of the asylum-seekers, Poland still remained a transit country, not the country of final destination, it maintained a close working cooperation with UNHCR and other institutions and organizations active in the field.

6. **Ms. Antonijević** (Yugoslavia) said that the international protection of refugees was being hampered by the changing nature of conflicts, the different patterns of displacement, more restrictive asylum policies and intolerance towards refugees and asylum seekers, and the system had to be adapted to the new realities. The recently adopted Agenda for Protection was an important step in that direction. The High Commissioner's "Convention Plus" initiative to conclude special agreements that would supplement the 1951 Convention in areas inadequately covered by it was another. The number of interdependent issues involved imposed the need for a more integrated approach, and the Office should be encouraged to enhance its cooperation with other parts of the United Nations system and with international and regional organizations, non-governmental organizations and the private sector.

7. The integration of the gender dimension in the protection of refugees should also be a priority, taking into account the fact that displacement affected women more adversely, and that they had specific needs and were vulnerable to abuse. UNHCR must do everything needed to prevent sexual abuse in refugee camps and respond decisively to allegations of misconduct. The protection of refugees was not only about guaranteeing rights but also about finding durable solutions. The new UNHCR approaches to finding such solutions — development through local integration and the repatriation, reintegration, rehabilitation and reconstruction model — were encouraging, and the Office should actively mobilize funds for them.

8. For over a decade, Yugoslavia had been accommodating the largest refugee population in Europe, and currently had almost half a million refugees, mainly from Bosnia and Herzegovina and Croatia, as well as about a quarter of a million internally displaced persons from Kosovo and Metohija. Despite the improved economic conditions in her country, it still needed adequate international assistance to meet their basic needs, and UNHCR, other international humanitarian organizations and donor countries should continue to provide it. The Serbian Government, in cooperation with UNHCR, had developed a national strategy for refugees, which encouraged both voluntary repatriation and a number of local integration measures. The main obstacles to the voluntary return of refugees were the unresolved issues of restitution of property rights and social benefits, or the fear of arbitrary arrests. Yugoslavia was ready to discuss all such issues with all interested parties.

9. The problems of internally displaced persons were becoming acute and the United Nations system should create a legal framework for its displacement-related activities. The situation of internally displaced persons from Kosovo and Metohija was especially precarious, for they had no prospect of return in such unsettled and hostile conditions. The absence of the conditions for their return had been acknowledged by the Special Representative of the Commission on Human Rights and by the Commissioner for Human Rights of the Council of Europe, and her Government urged the international presence in those areas to work actively for safe and unimpeded return. The situation of refugees and displaced persons throughout the world was one of the most pressing issues facing the international community and was likely to remain so for years to come. The existing system of refugee protection had to be expanded to meet the challenge.

10. **Mr. Prica** (Bosnia and Herzegovina) said that one of the most important annexes of the General Framework Agreement for Peace, which had started the slow process of normalization in his country, was Annex 7 concerning refugees and displaced persons. Between November 1995 and June 2002, almost 866,000 people (399,000 refugees and 467,000 displaced persons) had returned to their pre-war properties. Of particular significance was the fact that the process had accelerated over the past two years, owing to improved security conditions, greater efficiency among institutions at all levels and considerably better regional cooperation.

11. Of the approximately 500,000 people still residing abroad, some 80 per cent had already been integrated into their new societies, either adopting citizenship or receiving permission for permanent residence. The remaining 114,000 mostly wished to return to Bosnia and Herzegovina. As for internally displaced persons, it was estimated that 300,000 remained. He stressed that 93 per cent of all returnees in 2002 had returned to places where they formed part of ethnic minorities. To date, 62 per cent of property claims had been met, and the rate of implementation had increased 21 per cent over the past year. If that positive trend continued, the implementation of Annex 7 might be concluded by 2004.

12. The picture was not entirely positive, however. The country's economy was still too weak to provide for the growing number of returnees, and, at the same time, donations were declining. The high unemployment rate, the lack of foreign investment and the transition from the command economy to a modern, free-market economy had had a negative impact. Despite efforts by the Government and UNHCR, substantially more assistance was needed in the field of reconstruction and development. In 2002, the Government had spent €58 million, while international aid was estimated at close to €53 million. Improvements would be made with the strengthening of the rule of law, economic growth and better coordination at the regional level.

13. **Mr. Knyazhinski** (Russian Federation) said that, despite the encouraging decrease in the number of refugees and displaced persons around the world, the problem remained acute and required the full implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In that context, his delegation supported the Convention Plus initiative, together with the consultative Forum, proposed by UNHCR. In putting the initiative into

effect, however, it was essential that the Executive Committee should retain full control over decision-making. His delegation welcomed the results of the Global Consultations on International Protection and the adoption of the Agenda for Protection, which provided a useful summary of States' international legal obligations.

14. The stabilization of migration in the Russian Federation and other countries of the Commonwealth of Independent States (CIS) was one of his Government's highest humanitarian priorities. To that end, it sought to implement the Programme of Action of the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues, with the assistance of UNHCR and the International Organization for Migration (IOM). The targets set at the Conference were unfortunately still far from being met. Even the potential of the multilateral cooperation envisaged had not been realized. His Government continued to be in favour of consolidating the efforts of CIS Governments to further the aims of the Conference and in that connection, attached great importance to the high-level meeting in Tbilisi of the States that had participated in the Conference. Lastly, he reiterated his delegation's support for UNHCR, which should be the lead agency in crisis situations involving large numbers of refugees: it had an appropriate approach, a good operational capacity and well qualified staff. Its efforts to improve its effectiveness still further was commendable.

15. **Mr. Redai** (Ethiopia) commended UNHCR for developing workable protection policies that took account of changing circumstances, but expressed concern at the continuing decline in resources, which limited its capacities, at a time when the need for its services could be expected to rise. On the other hand, his delegation welcomed the greater assistance given to refugees by the international community, although he stressed that the reintegration of refugees would be viable only if it occurred with the full consent of host countries. To that end, cooperation was required at every level.

16. Despite its efforts to find a durable solution to the continent's glaring refugee problems, Africa still had over three million refugees and about 500,000 internally displaced persons. Neither the challenge nor the potential solutions, however, were unique to Africa. Action must be taken to deal with the root causes of migration, including poverty, a lack of good governance, democratic institutions and human rights violations.

17. His Government, guided by the principles of the 1951 Convention and its Protocol, pursued an open-door policy, with the result that it had hosted millions of refugees from neighbouring countries for several years. In the interests of a durable solution, it had promoted a voluntary repatriation policy. Nearly 199,000 Somali refugees had been repatriated in 1997 and almost 52,000 in 2000, but the 140,225 Somali and Sudanese refugees remaining, in addition to 400,000 internally displaced persons, were evidence of the enormous sacrifices made by his country in terms of both financial resources and environmental degradation.

18. Growing peace and stability in the region had enabled his Government to repatriate nearly 1.1 million Ethiopian returnees from neighbouring countries and the UNHCR cessation clause had been complied with. Their reintegration into the local community remained a daunting challenge in the face of endemic poverty and weak social institutions, however, and the difficulties were compounded by recurrent droughts. Repatriation should not be seen in isolation but should take place in the context of sustainable development.

19. **Mr. Akram** (Pakistan) said that, with close to 20 million people still vulnerable, it was necessary to address the root causes of human displacement, allocate adequate resources to sustain refugees and displaced persons and repatriate them quickly, and establish legal frameworks to assist the millions seeking asylum and resettlement. The High Commissioner's new initiatives for development through local integration and for protection policies on issues not adequately covered by the 1951 Convention deserved closer study. The Agenda for Protection was a blueprint for future action, which must, as a matter of priority, focus on issues of concern to host countries, such as durable solutions, voluntary repatriation, expanded resettlement quotas, burden-sharing, capacity-building and alleviation of the impact of a long-term refugee presence.

20. For countries that had hosted large numbers of refugees for extended periods, voluntary repatriation was often the only acceptable solution. Developing countries, particularly, should not be expected to accept local integration of large numbers of refugees, given their limited employment opportunities, although ironically the richer countries with their greater capacity for refugee integration quite readily proposed that course of action for them. The more affluent countries could instead play a pivotal role by enlarging their own refugee resettlement programmes, promoting

durable solutions and supporting peacemaking and reconstruction in the countries of origin. Developing countries hosting refugees should be given adequate assistance to create employment opportunities for their own citizens as well as for those refugees who could not be immediately repatriated.

21. Countries like Pakistan should not be expected to cope entirely on their own. International solidarity demanded that the considerable contribution of developing host countries should be supplemented by help in dealing with the costs and the social problems caused by the influx and presence of large refugee populations. Pakistan was in favour of giving the Office adequate, assured resources, for its chronic budget shortages aggravated the suffering of refugees and host countries, leaving basic needs and services unmet. Pakistan had suggested that the Office should adopt a new budget format for developing host countries, with separate budgets for refugee populations.

22. Pakistan had hosted over three million Afghan refugees for over two decades, yet in 2001, UNHCR had allocated the equivalent of about $10 annually for each of the over 2 million Afghan refugees still remaining in Pakistan. The impact of the Afghan refugee presence on Pakistan had demographic, economic, financial, ecological and social dimensions, yet the international community had not done its fair share. Most of the Afghan refugees still to be repatriated had lived in Pakistani camps for two decades, many knowing no other life, and to encourage their repatriation, the international community must speed up rehabilitation and reconstruction in Afghanistan and ensure safety, food security and job creation there. Throughout history, the largest human displacements had been caused by wars. The United Nations and its family of organizations must therefore promote conflict resolution and peacemaking as the solution.

**Agenda item 109: Human rights questions** (*continued*)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*)

23. **Mr. Menan** (Togo), speaking in exercise of the right of reply, said that he took issue with the allegations made by the representative of Canada concerning the enjoyment of human rights and the introduction of a State governed by the rule of law in Togo. His Government had worked ceaselessly to protect and promote fundamental freedoms, as shown by numerous measures to that effect, including the establishment in 1987 of the National Human Rights Commission. The promotion of human rights was a long-term enterprise, requiring any government to put in place mechanisms to ensure protection and respect for human rights. Rather than engaging in intemperate criticism, the Canadian Government should provide assistance to countries which were laying the groundwork for the promotion of human rights.

24. With regard to the legislative elections of 27 October 2002, he emphasized that they had been open to all political parties and monitored by a large number of international observers, who had noted the maturity, calmness, discipline and determination shown by the electors in performing their civic duty without hindrance or intimidation. The ballot had also been described as sincere, transparent, democratic and fully credible.

25. As for freedom of the press, a large number of privately owned newspapers appeared regularly in Togo, in accordance with the provisions of the Press and Communication Code, which had recently been reformed in order to encourage greater professionalism among journalists. The representative of Canada was hardly in a position to issue lectures on human rights, in view of the dismissal of the journalist Mr. Normand Lester from Radio Canada for criticizing the practices of State radio and television. Moreover, the treatment meted out by the Government of Canada to its indigenous peoples, such as the Inuit in Labrador and the Nisga'a of British Columbia, left much to be desired. To marginalize whole sections of Canadian citizens did not seem an example that Togo ought to follow in pursuing a human rights policy. Indeed, the Committee on the Elimination of Racial Discrimination had recently deplored the inequality suffered in Canada by indigenous peoples, black people and immigrants.

*The meeting rose at 4.10 p.m.*

United Nations A/C.3/57/SR.49

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## Third Committee

**Summary record of the 49th meeting**
Held at Headquarters, New York, on Thursday, 14 November 2002, at 10 a.m.

*Chairmain* : Mr. Wenaweser ..... (Liechtenstein)

## Contents

Agenda item 109 : Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 109: Human rights questions** *(continued)*

**(b) Questions relating to human rights, alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** *(continued)* (A/C.3/57/L.41, L.44, L.45, L.46, L.47, L.51, L.52, L.54 and L.55)

*Draft resolution A/C.3/57/L.41: Human rights and cultural diversity*

1. **Mr. Alaei** (Islamic Republic of Iran) introduced the draft resolution on behalf the sponsors, which had been joined by the Syrian Arab Republic, Democratic Republic of the Congo, and Viet Nam. Stressing the vital character of cultural diversity and of its connection with human rights questions, as well as the challenges posed and the possibilities offered by globalization in that context, he added that the draft resolution's purpose was to make the international community and all major national and international actors aware that they must respect that diversity. He drew the Committee's attention in particular to the eighth preambular paragraph and paragraph 6 of the draft resolution proper, and noted that the sponsors regarded the adoption of the draft resolution as a major step towards strengthening relations of friendship, tolerance, justice and human rights. He expressed the hope that, as in the past, the Committee would adopt the draft resolution by consensus.

2. **The Chairman** announced that Eritrea, Ethiopia, Kenya, Malaysia, Sierra Leone, Somalia and Sri Lanka would also join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.44: Globalization and its impact on the full enjoyment of all human rights*

3. **Ms. Khalil** (Egypt), after stating that Saudi Arabia would join the sponsors of the draft resolution, recalled that 50 years previously the international community had declared, in the Universal Declaration of Human Rights, that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". According to the norms and rules of international law, that social and international order should be one that defended the inherent dignity of human beings, respected the right of peoples to self-determination, and sought to achieve social progress by encouraging participatory development, as well as equality and non-discrimination, in a peaceful, interdependent and responsible world. Thus, the sponsors of the draft resolution intended neither to condemn nor endorse globalization, but rather to help ensure that globalization represented a dynamic force, used on behalf of all countries, and that all the necessary steps would be taken to ensure that human rights were neither neglected nor forgotten. His delegation would soon be requesting an official debate on the draft resolution, which, it hoped, the Committee would adopt by consensus.

4. **The Chairman** announced that Congo, Ghana, Mauritania, Sierra Leone, Viet Nam and Zimbabwe would also join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.45: Human rights education*

5. **Ms. Loemban Tobing-Klein** (Surinam) introduced the draft resolution on behalf of the sponsors. She stressed the indivisible and interdependent nature of human rights and noted that education was an indispensable tool in efforts to combat violations of those rights and to combat the injustice and inequalities that people in many countries continued to suffer.

6. **The Chairman** announced that Bangladesh, Ecuador, Ethiopia, Ghana, Mali, Nigeria, Democratic Republic of the Congo, and Sierra Leone would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.46: Missing persons*

7. **Ms. Ibrahimova** (Azerbaijan), introducing the draft resolution on behalf of the sponsors, which had been joined by Burundi, Ethiopia, Democratic Republic of the Congo, and Yugoslavia, said that, even though the question of missing persons had been the subject of several Security Council Resolutions, and was included in the Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Armed International Conflicts, many countries were still confronted with the tragic phenomenon of missing

persons. She also noted that the Commission on Human Rights had considered the question at its 58th session and had adopted resolution No. 2002/60 (E/CN.4/2002/60) and related matters, by consensus. The draft resolution had been formulated in strict compliance with the requirements of international humanitarian law, and her delegation hoped that the Committee would adopt it by consensus.

8. **The Chairman** announced that Mauritania and the Sudan would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.47: Elimination of all forms of religious intolerance*

9. **Ms. Duffy** (Ireland), introducing the draft resolution on behalf of the sponsors, drew particular attention to the first preambular paragraph and to the urgent appeal to States to ensure full respect for the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, as well as the relevant provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Her delegation also wished to draw particular attention to paragraphs 3, 4, 5, 11 and 12 of the draft resolution proper and to the eighth preambular paragraph, and hoped that the Committee would adopt the draft resolution by consensus, as in previous years.

10. **The Chairman** announced that Burkina Faso, Eritrea, Kenya, Nigeria, United Republic of Tanzania, Sierra Leone, Turkey, Zambia and Zimbabwe would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.51: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*

11. **Ms. Baardvik** (Norway), introducing the draft resolution on behalf of the sponsors, which had been joined by Brazil and the former Yugoslav Republic of Macedonia, said that the draft resolution was the result of open bilateral consultations and was based on General Assembly Resolution 56/163 (A/Res/56/163) and Resolution 2002/70 of the Commission on Human Rights (E/CN.4/2002/70). Drawing particular attention to the third and fifth preambular paragraphs and to paragraphs 2, 4, 6 and 11 of the draft resolution proper, she expressed the hope that the Committee would adopt the draft resolution by consensus.

12. **The Chairman** announced that Andorra, France and Panama would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.52: Regional arrangements for the promotion and protection of human rights*

13. **Mr. Maertens** (Belgium) introduced the draft resolution on behalf of the sponsors, which had been joined by the United Kingdom of Great Britain and Northern Ireland. Noting the importance of the World Conference on Human Rights, he said that the draft resolution was based mainly on the Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/57/283). He drew particular attention to paragraphs 2, 5, 6 and 7 of the draft resolution, as well as to the various initiatives taken by States over recent months. The draft resolution demonstrated the significant efforts made by countries in various regions to promote and protect human rights, and the sponsors hoped that the Committee would adopt the draft resolution by consensus, as in the past.

14. **The Chairman** announced that Gambia, Ghana, Nigeria, Republic of Moldova, Sierra Leone and Surinam would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.54: United Nations Decade for Human Rights Education, 1994-2004*

15. **Mr. McKenna** (Australia) introduced the draft resolution on behalf of the sponsors, which had been joined by Bosnia and Herzegovina, Denmark, Eritrea, and Portugal. Noting that the Third Committee had discussed the draft resolution every year since the beginning of the United Nations Decade for Human Rights Education, he said that only the essential elements had been retained in the present version, in order to highlight the usefulness of the Decade as a means to promote the full realization of human rights. Recalling the general content of the draft resolution, he expressed the hope that other countries would also become sponsors, and that the Committee would adopt it by consensus.

16. **The Chairman** announced that the following countries wished to join the sponsors of the draft resolution: Antigua and Barbuda, Colombia, Congo, Ecuador, Gambia, Ghana, Lithuania, Madagascar, Mali, Morocco, Nigeria, Paraguay, Republic of Moldova, Surinam and Tunisia.

*Draft resolution A/C.3/57/L.55: Promotion of a democratic and equitable international order*

17. **Mr. Amorós Núñez** (Cuba) introduced the draft resolution on behalf of the sponsors, which had been joined by Angola, Gambia, Jamaica, Islamic Republic of Iran and Swaziland. He noted that the draft resolution attracted a large number of sponsors every year and was a part of the international community's efforts on behalf of human rights and fundamental freedoms. Drawing particular attention to the ninth and tenth preambular paragraphs and to paragraphs 3 and 13 of the draft resolution proper, he urged other Member States to become sponsors and thus reaffirm their commitment to the right of every individual to live within the context of a democratic and equitable international order.

18. **The Chairman** announced that Eritrea, Ghana, Malaysia, Mauritania, Nigeria and Zimbabwe would join the sponsors of the draft resolution.

**(c) Human rights situations and reports of special rapporteurs and representatives** *(continued)* (A/C.3/57/L.43, L.48, and L.50)

*Draft resolution A/C.3/57/L.43: Situation of human rights in the Sudan*

19. **Ms. Eskjaer** (Denmark) introduced the draft resolution on behalf of the European Union and the sponsor countries. Stressing that the European Union was strongly committed to the peace process led by the Intergovernmental Authority on Development (IGAD) - a process that was regarded as vital - and reaffirming her delegation's desire to support that process, she expressed the hope that all parties concerned would seize the opportunity being offered to them to promote human rights, democratization, and the rule of law.

20. The European Union welcomed the encouraging developments observed over the past year in the Sudan, but remained particularly concerned by the human rights situation and the humanitarian situation in that country.

21. In 2002 the European Union had decided to review all its draft resolutions regarding countries. Draft resolution A/C.3/57/L.43 had therefore been formulated in the light of the present situation and had been couched in more rational terms. It referred in particular to the major initiatives aimed at improving the human rights situation in the Sudan, such as the Machakos Protocol, the Khartoum agreement to protect civilians and civilian facilities from military attacks, the memorandum of understanding between the Government of the Sudan and the Sudan People's Liberation Army/Movement and the commitment of the Government of the Sudan to set up an advisory council for Christians and to promote inter-religious dialogue. He also drew particular attention to subparagraphs (a) and (h) of paragraph 1; subparagraphs (f), (h) and (j) of paragraph 2; subparagraphs (a), (b) and (g) of paragraph 3, as well as paragraphs 4 and 5. He said that the European Union was still negotiating the text of the draft resolution with the delegations concerned, and would thus be introducing a revised version. He hoped that the revised version would receive broad support.

*Draft resolution A/C.3/57/L.48: Situation of human rights in Myanmar*

22. **Mr. Hahn** (Denmark), introducing the draft resolution on behalf of the sponsors, which had been joined by Lithuania, said that the proposed amendments had been largely taken into account. Drawing particular attention to subparagraphs (a) and (c) of paragraph 1; subparagraphs (a) and (b) of paragraph 3; and subparagraphs (a), (d) and (h) of paragraph 5, he expressed the hope that the draft resolution would receive broad support and that the Committee would adopt it by consensus, as in previous years.

*Draft resolution A/C.3/57/L.49: Situation of human rights in Iraq*

23. **Mr. Hahn** (Denmark), speaking on behalf of the European Union, introduced the draft resolution of behalf of the sponsors. Drawing particular attention to subparagraph (a) of paragraph 1; paragraph 3; subparagraph (a) of paragraph 4; and subparagraphs (a), (b), (c), (i) and (p) of paragraph 5, he expressed the hope that the draft resolution would receive the broadest possible support.

24. **The Chairman** announced that Israel would join the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.50: Situation of human rights in the Democratic Republic of the Congo*

25. **Mr. Hahn** (Denmark), speaking on behalf of the European Union, introduced the draft resolution of behalf of the sponsors, which had been joined by Lithuania and Romania. Many people in the Democratic Republic of the Congo continued to suffer violations of human rights and fundamental freedoms. The peace accords should therefore be followed by tangible results. In that regard, the provisions of subparagraph (b) of paragraph 3; and subparagraphs (a) and (b) of paragraph 4 were particularly worthy of attention. He expressed the hope that the draft resolution would receive the broadest possible support.

*The meeting rose at 11.10 a.m.*

United Nations A/C.3/57/SR.50

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Fifty-seventh session

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## Third Committee

**Summary record of the 50th meeting**
**Held at Headquarters, New York, on Friday, 15 November 2002, at 10 a.m.**

*Chairman* : Mr. Wenaweser ..... (Liechtenstein)

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Agenda item 109 : Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

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*The meeting was called to order at 10:20 a.m*

**Agenda item 109: Human rights questions** *(continued)*

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** *(continued)* (A/C.3/57/L.53, A/C.3/57/L.56, A/C.3/57/L.57, A/C.3/57/L.58 A/C.3/57/L.59, A/C.3/57/L.60, A/C.3/57/L.61, A/C.3/57/L.67, and A/C.3/57/L.68 and A/C.3/57/L.69)

1. **The Chairman** announced that draft resolutions A/C.3/57/L.68 and A/C.3/57/L.69 had been included in the Journal in error, since they were not scheduled for consideration until Monday, 18 November.

*Draft resolution A/C.3/57/L.53: human rights and extreme poverty*

2. **Mr. Chuguihuara** (Peru) introduced draft resolution A/C.3/57/L.53 on behalf of the sponsors, which had been joined by Azerbaijan, Belgium, the former Yugoslav Republic of Macedonia, France, Ireland, Italy, Malaysia, Mozambique, Norway, Portugal, Republic of Moldova, Romania, and Thailand. He recalled that every two years the question of human rights and extreme poverty was the subject of a resolution, which was traditionally adopted without a vote. The elimination of poverty, and extreme poverty in particular, was one of the main challenges for the 21st century. Access to worthwhile employment, food security, health, education, and disaster protection was not just a development goal, but also a fundamental right. Moreover, the Universal Declaration of Human Rights, the Declaration on the Right to Development and the 1993 Vienna Declaration all condemned extreme poverty and social exclusion as offences against human dignity. And yet, the situation with respect to economic, social and cultural rights remained very worrying. Some 90 million children had no access to primary education, 790 million people lived in a state of food insecurity, and almost 1.2 billion people were living on less than one dollar a day. In the present era of globalization, the promotion and protection of human rights inevitably included the fight against poverty, which undermined the foundations of development and democracy. Immed steps should therefore be taken to meet people's ur economic and social needs, through respons economic policies. To combat poverty was als promote human rights, democracy, and the rule of l

3. **The Chairman** announced that Barba Cambodia, Cameroon, Congo, Djibouti, Eritrea, Gh Greece, Haiti, Indonesia, Madagascar, Ne Democratic Republic of the Congo, Swaziland, Yer Zambia, and Zimbabwe had also joined the sponso the draft resolution.

*Draft resolution A/C.3/57/L.56: Extrajudi summary or arbitrary executions*

4. **The Chairman** said that consideration of resolution A/C.3/57/L.56 would be postponed unti Committee's afternoon session, as the text was no ready.

*Draft resolution A/C.3/57/L.57: Question of enfo or involuntary disappearances*

5. **Mr. Moret** (France) introduced the resolution on behalf of the sponsors, which had joined by Andorra, Brazil, Haiti, Liechtenstein, Ukraine. The problem of enforced disappeara affected various regions of the world, and international community now realized full well how widespread the problem had become. He tribute to countries that were investigating case enforced disappearance brought to their atten countries that had set up appropriate mechanism were preparing to do so, and countries that cooperating with the group of experts of Commission on Human Rights. In that regard, he n that the Working Group on enforced or involun disappearances should provide Governments information, as well as a precise report.

6. The Third Committee and the Commission Human Rights had been considering the questio organized repression for a number of years. D resolution A/C.3/57/L.57 represented confirmatio the resolutions adopted by consensus in July 200 the Commission on Human Rights and the Econo and Social Council. Its objective was to prepare work of the intergovernmental Working Group cha

with formulating a new international normative instrument, which must work in an open, transparent and objective manner. He welcomed the work of the independent experts and hoped that the Committee would adopt the draft resolution by consensus.

7. His delegation wished to make certain revisions to the text. In the fourth preambular paragraph, following the word "abduction", the phrase "if they resulted in, or were due to enforced disappearances" should be added. In the seventh preambular paragraph, the word "welcoming" should be replaced by the word "recognizing". In paragraph 5 of the draft resolution proper, the words ", have developed, or are" should be inserted between the word "investigating" and "developing".

8. **The Chairman** announced that South Africa, Bosnia and Herzegovina, Croatia, Republic of Moldova, United Kingdom of Great Britain and Northern Ireland, and Swaziland had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.58: Promotion of the right of peoples to peace*

9. **Mr. Amorós Núñez** (Cuba), introducing draft resolution A/C.3/57/L.58 on behalf of its sponsors, which had been joined by Haiti, noted that its text was based on Commission on Human Rights Resolution 2002/71 of 25 April 2002, entitled "Promotion of the right of peoples to peace". He said that all peoples had the right to peace, and that it was the duty of all States to ensure respect for that right in order to build an international social order guaranteeing the full exercise of fundamental freedoms and human rights. He drew the Committee's attention in particular to paragraphs 3, 5 and 6 of the draft resolution, which were of vital importance with respect to the right of peoples to peace.

10. **The Chairman** announced that Cameroon, Eritrea, Ethiopia, Gambia, Indonesia, Lesotho and Nigeria had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.59: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character.*

11. **Mr. Amorós Núñez** (Cuba), introducing resolution A/C.3/57/L.59 on behalf of the sponsors, drawing the Committee's attention in particular to the fifth and sixth preambular paragraphs and paragraph 1 and 4 of the draft resolution proper.

12. **The Chairman** announced that Algeria, Russian Federation, Ghana, Lesotho, Namibia, Swaziland, and Zimbabwe had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.60: Protection of migrants*

13. **Mr. Simancaz Gutiérrez** (Mexico), presenting draft resolution A/C.3/57/L.60 on behalf of the sponsors, which had been joined by Argentina, Colombia, Ecuador, Jordan, Mozambique, Nicaragua, Paraguay, and Senegal, drawing the Committee's attention in particular to the fourth and eleventh preambular paragraphs and to paragraphs 6, 8, 11, 13 and 14 of the draft resolution proper. He invited delegations to offer their suggestions and comments, so that the draft resolution could be approved without a vote.

14. **The Chairman** announced that Egypt, Haiti, Indonesia, Peru, the Sudan, Tunisia, and Turkey had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.61: Protecting human rights and fundamental freedoms while countering terrorism*

15. **Mr. de Alba** (Mexico) introduced draft resolution A/C.3/57/L.61 on behalf of the sponsors, which had been joined by Argentina and Guatemala. He noted that the international community had on many occasions condemned acts of terrorism in the strongest terms, regardless of the underlying motives, forms, or manifestations of such acts, but had also recognized the need to ensure that the preservation of human rights was an integral part of efforts to combat terrorism. In that regard, he recalled the important role to be played by the Office of the High Commissioner for Human Rights. He hoped that the draft resolution, which had been extensively debated, would be adopted by consensus. He also noted that the Secretariat had made revisions to the text that went beyond mere editorial corrections, representing substantial changes to the meaning of the text: for example, the fifth preambular paragraph, where the word "noting" had been replaced

by "recalling". He suggested that, as a precautionary measure, the edited versions of draft resolutions be submitted to their sponsors before being approved for printing.

16. **The Chairman** announced that Nicaragua and the Dominican Republic had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/57/L.67: Situation of human rights in Cambodia*

17. **Ms. Saiga** (Japan) introducing the draft resolution on behalf of the sponsors, which had been joined by Liechtenstein and Norway, welcomed the progress made in protecting human rights in Cambodia. That progress had been possible by the commitment of the Government, which had been encouraged by the international community. She noted that consultations and technical cooperation had borne fruit, and welcomed the progress referred to in paragraphs 2 and 8 of Section II, and paragraph 3 of Section IV of the draft resolution. However, she deplored the impunity that continued to prevail in the country, the lack of independence within the judiciary, and the persistent human rights violations. Although Cambodia was clearly emerging from a long period of conflict, and the Cambodian Government was doing everything possible to ensure greater respect for human rights and encourage political stability and economic development, it lacked the requisite financial and human resources. The international community could be of invaluable assistance to the country in that regard. She hoped, in conclusion, that the draft resolution would be adopted without a vote.

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** *(continued)* (A/56/3, A/57/12 and A/57/12/Add.1, A/57/203, A/57/324 and A/57/583)

18. **Mr. Dhakal** (Nepal) welcomed the Global Consultations on international protection held under UNHCR auspices, and reaffirmed the importance of the Agenda for Protection, ratified in 2002 by the Executive Committee of the General Assembly (ExCom). Nepal was ready to cooperate with UNHCR in implementing the Agenda. He welcomed the encouraging remarks made in UNCHR's report (A/57/12), but noted that the actual figure for the number of refugees who had returned home during 2001 was far below the desired level. Moreover, although the world community was now dealing more aggressively with the new causes of today's flows of migrants and asylum-seekers, those flows continued unabated. However, UNHCR had undoubtedly been innovative in its efforts to resolve the issues of persecution, forced expulsion, the consequence of armed conflict, natural disasters, ethnic cleansing, and grave violations of human rights and fundamental freedoms.

19. His delegation believed that the concept of the "4Rs" (repatriation, reintegration, rehabilitation and reconstruction) was the key to resolving the problems faced by refugees, especially since it called for the establishment of partnerships with the World Bank, the United Nations Development Programme (UNDP), and other specialized agencies of the United Nations.

20. The idea of promoting development through local integration should be considered very carefully. Refugees certainly could function as agents of development, but it was vital that all the political, social and economic consequences of such an approach be taken into account. Clearly, in cases where the host country lacked the necessary manpower, and its economic and political capacities allowed, local integration could be beneficial. In most poor countries, however, it generally proved to be a source of further problems. Nepal therefore urged the High Commissioner to consider the issue carefully, in order to avoid potentially disastrous consequences.

21. He was concerned about the decline in resources allocated to humanitarian aid around the world. It was vitally important that the international community continued to provide assistance to countries hosting refugees.

22. As stated in paragraph 72 of the 2001 Report of the United Nations High Commissioner for Refugees (A/57/12), over 110,000 Bhutanese had been living in refugee camps in eastern Nepal for over 10 years. Nepal and Bhutan shared values and a common culture and had remained friends for centuries. Now they were confronted with similar dangers and challenges. Nepal was trying to find a lasting solution to the problem through bilateral negotiations, but no progress had been made because of Bhutan's refusal to move forward. It had been almost a year since the start of the joint verification process to assess the eligibility of refugees

for repatriation. Since then, Nepal had on several occasions invited Bhutan to attend the 12th ministerial meeting in order to resolve the problem. Nepal was offering asylum to the refugees for purely humanitarian reasons, and he expressed deep gratitude to the High Commissioner and to the friendly countries and non-governmental organizations that had helped Nepal to provide for the refugees' needs. He therefore called upon the international community, and the High Commissioner in particular, to create the conditions necessary to ensure the successful outcome of the bilateral talks presently being held to ensure refugees' speedy return.

23. **Ms. Fernandez** (Cuba) welcomed the fact that UNHCR continued to respect the strictly humanitarian character of its mission, and refused to take a political stance. The respect for the principles of international law and the sovereignty of States demonstrated by UNHCR must continue to characterize its actions.

24. However, UNHCR had fewer and fewer resources with which to assist and protect refugees. Everybody was familiar with the financial crisis affecting UNHCR, and yet, the number of refugees and displaced persons continued to rise.

25. Moreover, most of UNHCR's resources were allocated to just a few cases of massive refugee flows, while other actions - no less serious, but less publicized - did not receive sufficient resources.

26. Of the 20 million people covered by the system of international protection, over 14 million were in Asia, Africa and Latin America. Of those 14 million, 57 per cent were minors, and 45 to 55 per cent were women and children, who were particularly vulnerable.

27. The more the developed world closed its borders, tightened its migration policies, and adopted discriminatory laws in order to combat terrorism, the greater the pressure on developing countries, which hosted the largest number of refugees, and the more critical the living conditions in those countries. It was therefore vitally important to apply the principle of shared responsibility.

28. Cuba urged States and organizations with significant economic resources to increase their contribution to the international protection of all the world's refugees and displaced persons, without distinction.

29. It would also be advisable to begin consideration of the structural causes of massive flows of refugees and displaced persons, as a matter of urgency. By combating underdevelopment, social injustice, and poverty, the international community would reduce the risks of war and of ethnic, religious, and political violence, and hence the movements of refugees and displaced persons. Mention should be made of the 3,900,000 stateless Palestinian refugees. Cuba wished to express its unconditional solidarity with them, and strongly condemned those who drove them from their homes and those who supported anti-Palestinian violence.

30. Cuba was a small country, whose potential for economic growth was severely limited by the economic blockade recently condemned by the General Assembly with an overwhelming majority. However, Cuba had a long tradition of hosting refugees. Many nationals of Latin American countries and the Caribbean, forced to flee dictatorships in their countries, had received medical assistance and free education in Cuba, on the same terms as Cuban citizens, and had thus been integrated into Cuban society. As a result of that experience, Cuba had been able to develop a constructive relationship with UNHCR, and that relationship had strengthened over the years. Even though Cuba was not in a position to make a major contribution to the UNHCR budget, it was ready to place at the refugees' disposal its greatest assets: its solidarity and its human resources.

31. **Mr. Tahir Baduri** (Eritrea) welcomed the priority attached by UNHCR to the question of Eritrean refugees, and thanked all partners and host countries that had made their resources available to millions of refugees in various regions of the world. After Eritrea had officially achieved independence, in 1993, its Government had endeavoured to find a lasting solution to the refugee problem, formulating a wide-ranging programme that had, unfortunately, not been regarded as within the jurisdiction of UNHCR. Since then, a spirit of close cooperation had been established between the Eritrean Government and the Office of the High Commissioner for Refugees. The refugee problem was no longer approached from the sole perspective of voluntary repatriation, but also from that of integration. UNHCR was presently striving to ensure the viability of programmes for the voluntary repatriation and voluntary resettlement of refugees, working together with a number of United Nations organs and other

international organizations. Thousands of refugees repatriated on a voluntary basis to Eritrea had benefited from initiatives put in place during the initial phase of the repatriation programme, which had helped create a climate of confidence among the refugee population. Furthermore, UNHCR had tried to breach the divide between emergency relief and development activities by adopting the "4Rs" approach.

32. The Eritrean Government, which was still in a post-conflict situation, was working with UNHCR to finalize a rehabilitation programme for refugees, displaced persons, expelled persons, and demobilized soldiers, within the context of long-term development strategies. Above all, however, it was necessary to invest in the development of the human resources required for the effective implementation of the programme.

33. Since the signing, in May 2001, of the Tripartite Agreement between the Government of Eritrea, the Government of the Sudan, and UNHCR, the Tripartite Commission had met seven times, facilitating the voluntary repatriation of over 51,000 refugees and the registration of 19,000 more, who were waiting to return home. Unfortunately, the situation of Eritrean refugees in the Sudan was far more precarious and uncertain than a year before. He appealed to the humanitarian community to pay far greater attention to the situation of those refugees and to ensure that their rights were respected. It was essential that all parties, especially the host country, adhered to the Tripartite Agreement, and that policies and measures implemented on the refugees' behalf were based on the provisions of the 1951 Convention on the Status of Refugees and its 1967 Protocol, and the 1969 Organization for African Union Convention on refugees. UNHCR had recently declared that the Cessation Clause had been invoked for Eritrean refugees. UNHCR considered that the end of the war of independence, in June 1991, and the end of the border dispute between Eritrea and Ethiopia, in June 2000, had in practice eliminated the root causes of the problem of Eritrean refugees. His delegation would cooperate fully in the implementation of the UNHCR declaration.

34. He also wished to draw the Committee's attention to the drought that was presently afflicting Eritrea and the suffering that it was causing among displaced persons in the country's interior regions. His delegation hoped that he international community would be generous in its assistance.

35. Lastly, he recalled that it was thanks to the cooperation between the Eritrean Government, UNHCR, and other United Nations specialized agencies, international organizations and non-governmental organizations, while the boundary dispute between Eritrea and Ethiopia was at its height, that most of the displaced persons had been able to return home within a relatively short time period. However, although the Boundary Commission had taken a decision on the boundary, it was estimated that 57,000 people continued to live in makeshift camps. Furthermore, gravely concerned by the presence of mines and unexploded ordinance along the boundary, the Eritrean Government was trying to find a solution to the problem with the assistance of United Nations organs and non-governmental organizations.

36. **Mr. Aguzzi Durán** (Venezuela) said that the mission of the Office was particularly important to Venezuela, which remained determined to defend and promote human rights, as well as to ensure the protection of refugees and displaced persons.

37. Venezuela had adopted an organic law on refugees, and was now formulating laws for its implementation. It would shortly be setting up a national commission to report on the status of refugees, in accordance with international norms.

38. Venezuela had on several occasions expressed its support for efforts to find lasting solutions to the refugee problem. It also supported the right to voluntary repatriation and the principle of the prohibition of expulsion or return. Moreover, Venezuela believed that it was for States to prevent population displacements and to create security conditions that would facilitate the voluntary return of their citizens.

39. In his 2001 report, the High Commissioner had announced a slight decline in the number of displaced persons. In that regard, it was encouraging to note that the resolution of the conflict in Afghanistan had led to the repatriation of many Afghan refugees, and that Venezuela had made a financial contribution to that operation. Because the repatriation or return of displaced persons required significant resources, it was vital that countries having the necessary resources increase their contributions in order to assist the countries most affected.

40. Venezuela supported UNHCR's efforts to find lasting solutions to the problem of refugees and to

stamp out the manifestations of xenophobia to which they were subjected. Venezuela was concerned about the abuse of child and adolescent refugees, as well as their lack of access to education. Lastly, he was concerned about the safety of humanitarian field personnel, whose commitment and selflessness should be applauded.

41. **Mr. Kweon Ki-hwan** (Republic of Korea) said that he was encouraged by the decline in the number of refugees, which showed the success of the international community's efforts to find lasting solutions to the problem. That trend must be maintained and consolidated.

42. The Republic of Korea welcomed the outcomes that had culminated in the Global Consultations on the international protection of refugees, and notably the unanimous reaffirmation of the vital importance of the 1951 Convention on the Status of Refugees. The new Agenda for Protection would serve as a guide for the formulation of policies and cooperation projects aimed at strengthening refugee protection. The Republic of Korea welcomed the particular attention paid to women and children refugees.

43. The Republic of Korea also welcomed the "Convention Plus" initiative, which should facilitate the implementation of multilateral accords complementing the 1951 Convention, in order to deal with the new challenges presented by the protection of refugees. The success of that process required a spirit of cooperation and the sharing of responsibilities.

44. The Republic of Korea hoped that the process would be extended to persons who were in need of international protection but did not yet benefit from UNHCR actions. Driven by poverty and hunger, many people were leaving their homes in order to live an extremely precarious life, under conditions identical to those of refugees. The "Convention Plus" initiative should address the problems of those vulnerable population groups.

45. The increasing complexity of the refugee problem required the strengthening of UNHCR as a multilateral institution. The Republic of Korea hoped that the 2004 UNHCR process would lead to the consolidation of the UNHCR's financial situation and management structure, thereby ensuring that it could carry out its mission effectively.

46. **Mr. Anshor** (Indonesia) said that his country wished to thank the United Nations High Commissioner and all those who had worked alongside the Indonesian Government to repatriate East Timorese refugees and reintegrate those who had elected not to return to Timor-Leste. The fact that humanitarian relief efforts were achieving their goal and that the refugee problem had essentially been resolved was thanks to the speed of the intervention, which had enabled Indonesia and Timor-Leste to avoid the problems of political and social destabilization characterizing other protracted refugee situations.

47. The transition from aid to development was often problematical, but the Indonesian Government hoped that the province of West Timor would prove to be an exception in that regard, because assistance from UNHCR and the international community was still necessary in order to integrate refugees into society and help the region to develop. In that respect, the Indonesian Government believed that humanitarian assistance must be based on the principles of humanity, neutrality, and impartiality, and that it should be provided with the consent of the affected State, in respect for the sovereignty, territorial integrity, and national unity of States. The affected State should play the leading role in coordinating such assistance, with UNHCR providing support when requested to do so.

48. Without external assistance, both technical and financial, the refugee problem in West Timor would never have been resolved effectively. The outcomes achieved were a fine example of cooperation between a host country and international institutions, especially UNHCR. That was why the Indonesian Government was particularly concerned at the significant financial difficulties besetting UNHCR and hoped that it was possible to find a lasting solution that would guarantee regular financial support for the Office in an amount sufficient to fund existing programmes and provide it with the flexibility to deal with emergency situations. It was also essential that resources not be diverted from other goals, such as sustainable development, in order to finance humanitarian assistance. His delegation therefore hoped that Member States would come together to mount a joint response to the global appeals that would be launched the following week, around the world, to collect the 3 billion dollars needed to finance humanitarian actions during the year 2003.

49. **Mr. Villetaz** (Observer for the International Committee of the Red Cross, ICRC) said that armed conflicts were among the main causes of enforced population displacement, not just across international borders, but also within national borders. Even though humanitarian organizations - including ICRC - played an often vital support role, it should be recalled that States bore the main responsibility. It was widely recognized that greater respect for international humanitarian law would reduce the number of refugees and displaced persons, because that branch of the law was aimed primarily at protecting civilians from the dangers inherent in military operations and from the abuse of power, and at bringing the assistance essential to those who needed it. Another of ICRC's functions was to remind parties to a conflict of their obligations under international law.

50. The ICRC devoted much of its attention and most of its resources to the millions of displaced persons in over 50 countries of the world, but this did not mean that it had abandoned its central mission, which was to bring assistance to all civilian populations. Focussing on certain civilian population groups in order to gain a better understanding of their needs certainly did not mean that one could ignore the situation of those who were still trapped in dangerous regions, for example, or those whose meagre resources had been further depleted by the need to provide for others arriving in a state of total destitution.

51. In order to assess the overall situation, it was therefore necessary to identify problems more effectively and intervene on an impartial basis. Such a global approach required cooperation from all partners, through bilateral coordination mechanisms, such as the Inter-agency Standing Committee, and bilateral contacts with operational agencies like UNHCR. In any event, agencies should consult closely in order to ensure the effective distribution of tasks - whether in the field or at headquarters - in order to ensure that operational problems were resolved. The various agencies should also work together to formulate policies and define standards. Indeed, very recently, within the context of the Global Consultations on international protection, ICRC had helped to develop the Agenda for Protection. ICRC hoped that it could count on the active participation and expertise of UNHCR during its planned conference on displaced persons.

52. **Mr. Prica** (Bosnia and Herzegovina) thanked the Member States that had given his delegation the assurances of its interest and support, and provided advice and suggestions concerning the draft resolution on the precepts governing humanitarian action in emergency situations, which his delegation intended to submit. The extensive consultations undertaken by his delegation had revealed that a number of countries needed more time to consider the draft resolution and consult among themselves. His delegation wished to stress that the draft resolution was based on the principles contained in the previous text submitted by the Government of Bosnia and Herzegovina. The precepts were designed to strengthen the principles contained in General Assembly Resolution 46/182 which had led to the creation of the Office for the Coordination of Humanitarian Affairs (OCHA). The draft resolution submitted by Bosnia and Herzegovina was certainly not intended to reopen old debates, but merely to strengthen existing texts and take into account the lessons learned over the past 10 years. The draft resolution fully respected States' sovereignty and territorial integrity, and placed the emphasis on the role of States affected by emergency situations, while drawing attention to the responsibility of non-State actors. Lastly, it should be underlined that the best way to with all the problems posed by emergency situations might well be to adopt a joint approach, while placing the emphasis on the role of individuals, including the victims themselves. The draft resolution underlined the fact that victims should not be treated as such, but rather as active participants in the process of policy formulation and the implementation of measures taken at the national and international levels to respond to emergency situations.

53. For all those reasons, his delegation proposed that deliberation of the draft resolution be postponed until the 58th Session of the General Assembly so that a consultation process could be initiated with all the delegations concerned. The delegation of Bosnia and Herzegovina would be open to all suggestions and revisions that might improve and strengthen the text.

*The meeting rose at 12.00 p.m.*

United Nations A/C.3/57/SR.51

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## Third Committee

**Summary record of the 51st meeting**
Held at Headquarters, New York, on Friday, 15 November 2002, at 3 p.m.

*Chairman*: Mr. Wenaweser ..... (Liechtenstein)
*later*: Mr. Morikawa (Vice-Chairman) ..... (Japan)

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02-69673 (E)

*The meeting was called to order at 3.40 p.m.*

**Agenda item 109: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/57/L.56)

*Draft resolution A/C.3/57/L.56: Extrajudicial, summary or arbitrary executions*

1. **Mr. Hallstrom** (Finland), speaking on behalf of the sponsors, introduced the draft resolution and informed the Committee that Brazil, Lithuania and the Republic of Korea had joined the sponsors. He said that the theme of the draft resolution was the universal right to life and pointed out that, although diverging views had been expressed as to the precise definition of extrajudicial, summary or arbitrary executions, all delegations had agreed that that phenomenon was a deplorable practice that must be eliminated. The draft resolution recognized the important role played by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions and also acknowledged the historic significance of the establishment of the International Criminal Court, which would contribute to ensuring prosecution and the prevention of impunity.

2. Although the draft resolution did not specifically address the issue of capital punishment, it called on States which still had the death penalty to comply with their obligations pursuant to relevant human-rights instruments. It also reaffirmed the obligation of Governments to investigate all cases of killings committed for any discriminatory reason and to bring those responsible to justice. Negotiations would continue in the hope that the draft resolution would be adopted by consensus.

3. **The Chairman** announced that Albania, Bosnia and Herzegovina, the Republic of Moldova, South Africa, Suriname and Yugoslavia also wished to sponsor the draft resolution.

4. **Mr. Roshdy** (Egypt) said that the Committee had not reached a consensus on the draft resolution and that many delegations, including his own, would be submitting amendments. He stressed that no delegation condoned such executions, but pointed out that the draft resolution was overburdened with supplementary issues and therefore exceeded its mandate.

**Agenda item 102: Advancement of women** (*continued*) (A/C.3/57/L.16/Rev.1)

*Draft resolution A/C.3/57/L.16/Rev.1: Future operations of the International Research and Training Institute for the Advancement of Women*

5. **Mr. de Barros** (Acting Secretary of the Committee) read out a statement concerning the programme-budget implications of the draft resolution. Pursuant to paragraph 2, the General Assembly would endorse the recommendations made by the Working Group on the future operations of the International Research and Training Institute for the Advancement of Women (INSTRAW) and would request the Secretary-General to implement those recommendations. In paragraph 57 of its report (A/57/330), the Working Group had recommended the linkage of INSTRAW to the Department of Economic and Social Affairs of the United Nations Secretariat, under the direct authority of the Under-Secretary-General. In that connection, the Economic and Social Council should be invited to amend the Statute of INSTRAW in accordance with paragraphs 52, 53 and 55 of the report and an amount of $500,000 should be allocated from the regular budget to finance the core activities of the Institute, so as to give it the same status as other institutes of the United Nations system. In addition, the feasibility of establishing an advisory board composed of Member States to replace the Board of Trustees should be examined, the post of Deputy-Director with specific fund-raising responsibilities should be created, and a liaison for INSTRAW should be established within the Department of Economic and Social Affairs.

6. In his note on the situation of INSTRAW (A/57/452), the Secretary-General had indicated, inter alia, that the allocation to INSTRAW of $500,000 to finance its core activities would be sufficient to cover only the salaries and common staff costs of the four current Professional posts for one year, with no funds remaining to cover supporting operating expenses. It was estimated that approximately $1.4 million per year would be needed to fund the Institute's activities at the current minimum level. However, other proposals before the Committee would mean that that estimate would require upward adjustment.

7. Taking into account all provisions of paragraph 57 of the report of the Working Group, it was estimated that the total amount of $1,809,500 per year would be needed. That amount would cover $500,000 for the four current Professional posts, $176,000 for the new post of Deputy-Director, $285,000 for the four current General Service posts, $208,500 per year to provide for minimal administrative resource requirements, including general operating expenses, $400,000 to enable the Institute to carry out minimal substantive activities and $240,000 for a liaison unit for INSTRAW in New York, including $202,800 to cover the annual costs of one Professional and one General Service post and $37,200 for rental of office space, equipment, supplies, travel resources, etc.

8. There were no resources provided under the programme budget for the biennium 2002-2003 which could be made available to finance INSTRAW operations in 2003. Therefore, any amount that the General Assembly might decide to allocate to enable the Institute to continue its operations in 2003 would need to be provided through an additional appropriation from the contingency fund, established pursuant to General Assembly resolution 41/213.

9. Adoption of draft resolution A/C.3/57/L.16/Rev.1 would give rise to additional requirements of $500,000 for the biennium 2002-2003 under section 9 (Economic and social affairs). The provision would represent a charge against the contingency fund and, as such, would require an increase in appropriations for the biennium 2002-2003. Consequently, an additional provision, amounting to $1,309,500, would be required over and above the regular budget resources available under section 9 of the programme budget for the biennium 2002-2003. That amount should be provided from as yet unidentified voluntary contributions.

10. In resolution 45/248, part B VI, the General Assembly had, inter alia, expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters, and reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters. In line with those responsibilities, the Fifth Committee would decide how to meet the requirements arising from the decisions of the Third Committee.

11. **The Chairman** said that a recorded vote had been requested.

12. **Ms. Kislinger** (Venezuela), speaking on behalf of the Group of 77, China and Mexico, which were sponsoring the draft resolution, announced that Greece and Spain wished to join the sponsors. She said the sponsors regretted that a recorded vote had been requested. It was deplorable that financial considerations were being given pre-eminence over the priority issues of the promotion of gender equality and the advancement of women. The wish of some delegations to deny United Nations funds to the only international institute devoted to research and training in the area of gender equality was an unequivocal manifestation of their lack of political will and the changeable nature of their solidarity towards developing countries.

13. Despite the best efforts of the sponsors to reach a viable solution for the future of INSTRAW, the only option offered by certain countries had been the continuation of the status quo. She believed that such a solution would lead to the closure of the Institute, but no country had been willing to make a clear pronouncement in that regard. Furthermore, although there had been consensus regarding the creation of the Working Group, delaying tactics had been employed during the appointment of its members, and its final report had been criticized. She regretted that some delegations had not taken the time to study the report carefully, and drew attention to paragraphs 42 and 43, which clearly stated that the continuation of the status quo, by means of funding from voluntary contributions, was not viable.

14. The Group of 77 and China welcomed the support for the Institute shown by a significant number of countries and wished, in particular, to thank the Spanish delegation for its efforts to find a creative, universally acceptable solution. The commitment of the Spanish and other delegations should serve as an example to those who had called into question the potential of INSTRAW in promoting gender equality.

15. Three research institutes within the United Nations system were funded from the regular budget, and consequently she was unclear as to why efforts were being made to deny INSTRAW the same funding opportunities. She inquired as to the criteria for determining whether an institute was deserving of funds from the regular budget, and recalled that gender

equality and the empowerment of women were among the goals set out in the Millennium Declaration. It was regrettable that a sustained campaign to tarnish the reputation of INSTRAW had affected the objectivity of some Member States regarding the Institute's potential.

16. Turning to the role played by the Secretariat in the current situation, she recalled that General Assembly resolution 56/125 had urged the Secretary-General to appoint, without delay, a Director of INSTRAW. However, the appointment had not been made until June 2002 and thus the Institute had been without the necessary managerial guidance for almost a year. Furthermore, inaccurate, contradictory and sometimes ambiguous reports from various administrative units of the Secretariat had fanned the flames of uncertainty surrounding the Institute. In particular, the Working Group had indicated that it would be useful to have a written account from the Office of Internal Oversight Services which would elaborate further on the issues that had been overlooked in its report on the situation of the Institute.

17. Putting the draft resolution to a vote represented an attempt to subordinate substantive issues to budgetary considerations, which could have serious consequences for the future work of the United Nations. Furthermore, rejecting the recommendations of a Working Group created by the General Assembly and offering no alternatives to those recommendations undermined the authority of the Assembly. She called upon those delegations which were sincerely committed to the advancement of women to vote in favour of the draft resolution.

18. **Mr. Flores** (Spain) said that his delegation strongly supported the revitalization of INSTRAW, especially because it was the only United Nations agency in Latin America and one of only three located in the developing world. Since institutional and leadership problems had been just as significant as the lack of funding, the strengthening of the Institute should be seen in the wider context of United Nations reform.

*Explanations of vote before the voting*

19. **Mr. O'Neill** (United Kingdom), supported by **Ms. Løj** (Denmark), said that each activity within the United Nations system should be assessed critically to establish whether funds were being used effectively. The recommendation of the Working Group to provide INSTRAW with $500,000 from the regular budget inconsistent with the exceptional nature of the sub granted in 2000. Other social and economic activi including gender-related work, might have to be down in order to release the necessary resources. I view of his delegation, the proposed allocation of million for the period 2003-2005, and any neces cuts in other activities, would not be in the w interests of the United Nations or its Member St The decline in voluntary contributions to INSTR suggested that the majority of Member States did consider the Institute to be a funding priority. T that continued to value its work highly should sufficient funding on a voluntary basis. The issu INSTRAW should remain under consideration by General Assembly, and the Secretary-General sh be requested to report to the entire membership o Organization.

20. **Ms. Grollová** (Czech Republic) said that delegation would vote in favour of the draft resolu despite lingering concerns over the usefulness o activities of INSTRAW at the global level. Much o inefficiency previously associated with the Inst had been caused by factors beyond its control. Working Group had made an objective appraisa INSTRAW, with due regard for the interests o Member States.

21. **Ms. Fried** (Sweden) said that, while Government was a committed advocate for allocation of greater resources to gender-related iss it also stressed that resources should be dependen the achievement of consistency and results. It did endorse the allocation of $500,000 to INSTRAW f the United Nations regular budget, since that am would cover only a small proportion of the cos revitalizing the Institute. Voluntary contributions w still be necessary, and would not be forthcoming u INSTRAW could provide more convincing evidenc its comparative advantage in gender research.

22. **Ms. Hashimoto** (Japan) said that her country been one of the major donors to INSTRAW in re years, and had supported the subsidization of Institute in 2000 with a view to its subseq revitalization. However, the report of the Secret General on the audit of INSTRAW (A/56/907), revealed serious management flaws and shown tha Institute had failed to implement reforms. There little evidence that INSTRAW had a compara advantage over other agencies and institutes

advancing the status of women. Moreover, some of the recommendations of the Working Group were likely to cause further problems. Besides the direct financial implications, the proposed linkage of the Institute to the Department of Economic and Social Affairs risked diverting funds away from more useful programmes. The Commission on the Status of Women, which already received annual reports from INSTRAW, should not be overburdened with a further follow-up report on the measures proposed by the Working Group. The adoption of the draft resolution would undermine the credibility of United Nations reforms.

23. **Mr. Fox** (United States of America) said that regular budget funding for INSTRAW was unacceptable, especially in the light of its poor track record. His delegation remained unconvinced that the Institute was making a worthwhile contribution to the empowerment of women, given its limited accomplishments to date. The resources sought through the draft resolution would be put to better use through other programmes and projects of the United Nations system. The subsidy in 2000 had been intended to sustain the Institute through a period of reform, with a view to appointing a new Director and raising additional voluntary contributions, and INSTRAW had failed to respond to those challenges.

24. **Ms. Maille** (Canada) said that the financial management of INSTRAW had been a matter of concern for many years. Greater firmness was required in view of the scarcity of resources, and her delegation would therefore vote against the draft resolution.

25. *At the request of the United States delegation, a recorded vote was taken.*

*In favour*:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against*:

Australia, Canada, Israel, Japan, Netherlands, Republic of Korea, United States of America.

*Abstaining*:

Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Kazakhstan, Latvia, Lithuania, Luxembourg, Marshall Islands, New Zealand, Norway, Russian Federation, San Marino, Slovenia, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland.

26. *Draft resolution A/C.3/57/L.16/Rev.1 was adopted by 124 votes to 7, with 29 abstentions.*

27. **Ms. Bakker** (Netherlands) said that, despite repeated calls for its revitalization, INSTRAW had failed either to implement reforms or to attract further contributions. The provision of $500,000 was an unsustainable solution, which would merely prolong the situation of uncertainty. In her view, INSTRAW could no longer be sustained by a small number of donors, nor should it be funded through the regular budget. There were more useful gender initiatives carried out by other agencies and programmes such as the United Nations Development Programme, UNICEF and the World Bank, which were more worthy recipients of funding.

28. **Ms. Kang** Kyung-wha (Republic of Korea) said that the long-term sustainability of INSTRAW depended on greater accountability and productivity,

and that the recommendations were unsatisfactory on both counts. Therefore her delegation had voted against the draft resolution.

29. **Mr. Barriga** (Liechtenstein) said that the draft resolution had reflected the concerns of all delegations. While INSTRAW had experienced problems in the past, it should be supported rather than abandoned in its hour of need. The temporary financial assistance should be seen as the beginning of the end of the Institute's difficulties.

30. **Mr. Padilla Tonos** (Dominican Republic) said that the overwhelming majority of delegations which had voted in favour of the draft resolution reflected the widespread view that the empowerment of women should take priority over other financial considerations. As the country hosting INSTRAW, the Dominican Republic would continue to defend that principle, as well as the need to strengthen one of the few United Nations agencies in the developing world.

**Agenda item 105: Promotion and protection of the rights of children** (*continued*)

*Draft resolution A/C.3/57/L.23: The situation of and assistance to Palestinian children*

31. **The Chairman** said that Benin, Brunei Darussalam, the Comoros, Lesotho, the Niger, Suriname, the Syrian Arab Republic and Zimbabwe had joined the sponsors of the draft resolution.

*Explanations of vote before the voting*

32. **Mr. Koren** (Israel) said that his delegation opposed draft resolution A/C.3/57/L.23, which had been introduced at the initiative of the Observer for Palestine and was an unprecedented and one-sided document representing the latest attempt by the Palestinians to turn yet another United Nations forum into a political platform for singling out Israel. The draft referred solely to the situation of one specific group of children and ran contrary to the universal spirit of the draft resolutions usually adopted by the Committee on the promotion and protection of the rights of children. One might ask whether one group of children was more deserving of a single, particularized resolution than children suffering elsewhere in the world, for example, in parts of Africa and the Arab world or Israel, for that matter.

33. Even in the context of the Israeli-Palestini conflict, the draft shamelessly distorted reality. It w devoid of any reference to the destructive effects Palestinian terrorism on innocent Israelis and forei nationals. A significant number of Palestinian terror attacks had been deliberately directed at childre including attacks on specific locations where lar numbers of children were known to gather. Only a f days earlier, a Palestinian terrorist had burst into home at Kibbutz Metzer and murdered two childr aged four and five along with their mother, who h tried to protect them. He wondered whether t Committee was to conclude from the draft that the liv of those Israeli children, brutally murdered in th beds in the name of so-called "legitimate resistanc were less valuable than those of Palestinian children whether they had been guilty of something that wo justify denying them the specific protection it call for in the draft for Palestinian children. With t adoption of such totally unfair resolutions, it was n surprising that much of the work of the Gene Assembly was viewed by people around the world w disdain as fundamentally unfair and disconnected fr reality.

34. The draft resolution completely ignored t cynical abuse of children in the Palestinian campai of violence and terrorism and the unbridled incitem to violence in the Palestinian media and educatio system. It also failed to reflect the fact that the cent threat to the well-being of Palestinian children was t terrorists themselves, who endangered civilians on b sides with their criminal and repugnant tactics a were destroying hopes for peace. The draft was clea meant to serve the political interests of the Palestini leadership, not those of Palestinian children.

35. The debate in the Committee should have be conducted in a professional manner by adopting t general resolutions on the protection of the rights children everywhere. To allow the draft curren before the Committee to proceed unopposed would a dangerous precedent. Israel understood and shar the concern over the humanitarian situation in Palestinian territories and welcomed the efforts of international community in that regard. Wh respecting its basic obligation to protect its civilia his Government was doing its utmost to improve humanitarian conditions of the Palestinian people.

36. Israel hoped that efforts to alleviate the situat of all children in the region would be channelled

projects on education for peace and tolerance. Such efforts, however, were not enhanced by one-sided initiatives in the United Nations seeking to perpetuate an alternate and false reality and pretending that one side had a monopoly on the status of victim. He strongly urged all Member States to reject the counterproductive and politicized draft, which should be opposed not only for the sake of the reputation and integrity of the Committee but also for the welfare of the world's children, including Palestinian and Israeli children, without bias, prejudice or blindness to the suffering of others.

37. **Ms. Khalil** (Egypt) recalled that it was her delegation which had introduced the draft resolution.

38. **Ms. Costa** (United States of America) said that her delegation could not support the draft resolution, which was unbalanced, singled out only one party in the Palestinian-Israeli conflict and did not reflect the complexity of the situation on the ground. For example, it ignored the use of Palestinian children to perpetrate suicide bombings despite widespread Palestinian unease with such tactics.

39. Her Government was deeply concerned about the situation of all Palestinian and Israeli children. During the past year there had been hundreds of victims in Israel, the West Bank and Gaza. The omnibus resolution on the Rights of the Child, which included the situation of children in armed conflict, addressed the plight and concerns of all children regardless of where they lived.

40. Her Government's deep commitment to the welfare of Palestinian refugees was reflected in its $120-million contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), whose primary beneficiaries were Palestinian children, as well as direct bilateral assistance provided by the United States Agency for International Development (USAID) to Palestinian non-governmental organizations and development projects.

41. *At the request of the representatives of the European Union, Israel and the United States of America, a recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Egypt, Eritrea, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Israel, Marshall Islands, United States of America.

*Abstaining:*

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Nigeria, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Yugoslavia.

42. *Draft resolution A/C.3/57/L.23 was adopted by 95 votes to 3, with 58 abstentions.*

43. **Ms. Loj** (Denmark), speaking on behalf of the European Union, the associated countries Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in

addition, Iceland and Norway, said that they had abstained on the draft resolution because they did not support the proliferation of resolutions on agenda items where the Committee had traditionally not dealt separately with country-specific situations, and believed that thematic resolutions should continue to be all-encompassing and should not highlight one situation or another. That was the most efficient way for the General Assembly to do business. They would have welcomed the opportunity to vote in favour had the issue of the needs of Palestinian children been incorporated in one of the existing resolutions on the Middle East.

44. The European Union had consistently expressed its deep concern about the deteriorating humanitarian situation in the West Bank and Gaza. The situation of Palestinian children was in sore need of improvement. It was also concerned at the endangering of the lives and well-being of Israeli children owing to acts of terror. If there was to be a future for peaceful, neighbourly relations between the parties, children needed to learn to live in peace. Israel and the Palestinian Authority must do more to fulfil their responsibilities in those respects. The European Union, which remained strongly committed to improving the humanitarian situation of Palestinians and their children, was the largest supporter of UNRWA.

45. The Union's position on the Palestine question was well known through its work on the numerous General Assembly resolutions on the subject. It also remained ready, in close cooperation with its partners in the Quartet and in the Arab world, to assist the parties in their efforts at finding a final solution to the Middle East conflict and thereby realizing the vision whereby the two States, Israel and Palestine, lived side by side within secure and recognized borders.

46. **Mr. Choi** (Australia) said that the draft resolution should not have been tabled under a thematic item on the rights of children. It was also unbalanced, focusing on criticism of Israeli action and its impact on Palestinian children, and failed to reflect the complexity of the current situation. Australia had therefore abstained. His delegation urged both sides to bring an immediate end to the conflict and to resume negotiations.

47. **Mr. Tekin** (Turkey) said that his Government's stand in relation to the Palestinian-Israeli conflict was clear and very well known by both of the parties, with which Turkey enjoyed close relations. Turkey stro condemned any act of violence resulting in loss of among children of Palestinian, Israeli or any o nationality. Turkey was also strongly against abhorrent abuse of children to commit acts of viole and terrorism. His delegation had supported the d resolution on that understanding and would support other initiative that would address the plight children in similar situations in any part of the worl

48. **Mr. Laurin** (Canada) said that his Governm had consistently supported the protection of chil affected by armed conflict, whose basic needs mus met without impediments or exceptions. Accordin his Government called on Israel to respect obligations under international humanitarian However, his delegation had abstained on the d resolution, which failed to acknowledge that current conflict had taken a toll on both Palestinian Israeli children. The United Nations must address promotion and protection of the rights of children in parts of the world rather than focusing on spec situations or regional conflicts. Canada called on parties to end the violence immediately and resu negotiations so that all children and young people the Middle East could lead normal lives in saf security, dignity and peace.

49. **Ms. Mahouve** (Cameroon) said that delegation had abstained in the vote on the d resolution. Cameroon had often emphasized its g concern at the plight of children in situations of arm conflict; it therefore supported efforts by international community to alleviate the suffering Palestinian children. She urged the two sides to resu negotiations so that the young people of Israel Palestine could live free from fear.

50. **Mr. Knyazhinskiy** (Russian Federation) said t he had voted in favour of the draft resolution des the fact that it was selective. His Government seriously concerned at the situation of children affec by armed conflicts, particularly Palestinian childr Children in a number of countries in the Middle E were living in fear from the constant threat of terro acts.

51. **Ms. Groux** (Switzerland) said that her delegat had abstained in the vote because it would have li to see the question of Palestinian children integra into a general resolution rather than the subject o separate text; the problems they faced applied to

children. The draft resolution had invoked the fourth Geneva Convention of 1949, but it also should have mentioned the obligations of the Palestinian Authority.

52. **Mr. Yerrannaidu** (India) said that his delegation had voted in favour of the draft resolution in order to express its solidarity with the Palestinian people, although it felt that there should have been a single draft resolution on all children.

53. **Mr. Al-Kidwa** (Observer for Palestine) said that his delegation highly appreciated the support for the draft resolution just adopted, although it failed to understand the position of some of its friends who had not found insufficient reason to support it.

54. A number of delegations had criticized attempts by Palestine to single out Israel, but in the view of his delegation, Israel had singled itself out for years through its policies and actions. It was the only remaining occupying Power at the beginning of the twenty-first century. Other delegations had drawn attention to the unbalanced nature of the draft resolution, but it was not possible to have a balanced text, given the reality of the situation. Palestinian children had been systematically deprived of all their rights by Israeli practices, and would not have a chance to grow up in a normal environment. His delegation regretted any loss of life, especially of children. Palestinian children would have more hope for a better future because of the Committee's support for the draft resolution.

55. **Ms. Tobing-Klein** (Suriname) said that the only reason, in the view of her delegation, that the draft resolution deserved its sponsorship and vote was that it served the best interests of children in accordance with the Convention of the Rights of the Child.

56. **Mr. Tamir** (Israel), speaking in exercise of the right of reply, said that his delegation wished to express its dismay and outrage that the Palestinian delegation could speak with complete impunity, while the bodies of 12 Jews brutally massacred on their way to prayer lay in Hebron. That delegation should have expressed regret for those deaths, rather than making more groundless accusations.

57. **Mr. Al-Kidwa** (Observer for Palestine), speaking in exercise of the right of reply, said that the Palestinian Authority and its leadership did regret any loss of life, but the incident had occurred in an occupied city. Four hundred Israeli settlers had been brought in to colonize Hebron illegally. Since their presence was illegal, under the fourth Geneva Convention responsibility for their safety lay with the occupying Power. Such a situation should be expected to elicit extreme reactions. The source of the whole problem was the Israeli occupation.

58. **Mr. Tamir** (Israel), speaking in exercise of the right of reply, said that, with a complete end to Palestinian terror, renewed negotiations would lead to a peace settlement, including an Israeli withdrawal. He urged the Palestinian Authority to take that path.

59. **Mr. Al-Kidwa** (Observer for Palestine), speaking in exercise of the right of reply, said that Israel must be ready to end the illegal occupation, condemn the war crimes it had committed and accept the right of the Palestinian people to self-determination and independence, before it could expect the actions it demanded.

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/56/3, A/57/12 and Add.1, A/57/203, 324 and 583)

60. **Mr. Yerrannaidu** (India) said that his delegation welcomed the news that the number of people of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) had fallen from 22 million to 20 million in the course of 2001, and that over 2 million people had returned to Afghanistan since the repatriation operation had begun.

61. With regard to the High Commissioner's new initiatives, his delegation recognized the collective effort which had gone into framing the Agenda for Protection (A/57/12/Add.1, annex IV). Its non-binding nature gave it the flexibility necessary for dealing with humanitarian issues that did not always respond to narrow, legalistic approaches. Developing countries predominated among countries of origin as well as countries of asylum; neither the duty to receive refugees nor the real costs were fairly apportioned. The success of the Agenda would depend on the partnerships it could foster. His delegation welcomed the recognition of the need for burden-sharing arrangements.

62. The new approach to durable solutions, the "four Rs" — repatriation, reintegration, rehabilitation and reconstruction — should be successful, but the High

Commissioner's proposal for development through local integration must be thought through carefully. The implications of local integration in a developing country could be far-reaching and would not be a sustainable option when dealing with massive refugee flows. The "UNHCR 2004" process initiated by the High Commissioner in 2001 deserved support, as it was not merely a fund-raising exercise but sought to strengthen international solidarity and burden-sharing. The High Commissioner's "Convention Plus" approach was another idea which merited further consideration. The contribution of countries not party to the 1951 Convention or the 1967 Protocol relating to the Status of Refugees must be given due recognition.

63. *Mr. Morikawa (Japan), Vice-Chairman, took the Chair.*

64. **Mr. Vienravi** (Thailand) said that the overall situation of refugees and displaced persons worldwide remained bleak, and durable solutions remained a distant dream for millions. Voluntary repatriation had proven to be the best and more effective solution, and the involvement of the countries of origin was crucial. Those countries had an obligation to accept their nationals in safety and dignity. Nevertheless, resettlement should be considered as another effective option in some cases, in keeping with the principle of burden-sharing.

65. Prevention was the best remedy, and it was therefore imperative to address the protracted situations at the root of refugee flows. Greater resources should also be allocated to facilitate sustainable repatriation, reintegration, rehabilitation and reconstruction. The plight of internally displaced persons must be recognized, and his delegation took note with interest of the establishment of an inter-agency Unit on Internal Displacement (A/57/1, para. 75), which should contribute to a more collaborative response.

66. Thailand hoped that the Agenda for Protection would truly be an agenda for solutions for refugees and displaced persons worldwide, and also took note with great interest of the "Convention Plus" approach. However, it remained concerned about the initiative for development through local integration. Its implementation must have the consent of the host countries. Promoting self-reliance as an automatic precursor to local integration could undercut the principle of shared responsibility.

67. As a country of asylum for the past three decades, Thailand had been faithful to its humanitarian commitment. More than 110,000 of the millions who had sought temporary refuge there remained in nine temporary shelters along the western border. Their protracted presence had a profound effect on Thai society. Thailand had done its utmost for refugees despite numerous constraints, and it believed that greater recognition by UNHCR of the contribution of host developing countries would foster a new spirit of partnership. An effective solution must be comprehensive, with a framework encompassing all stakeholders. The Comprehensive Plan of Action for Indo-Chinese Refugees was a shining example and an important precedent.

68. He reiterated Thailand's readiness to cooperate with the High Commissioner in helping uprooted people fulfil their common dream of returning home.

69. **Ms. Kornelioukk** (Belarus) said that her delegation shared the view that, in a world with numerous conflicts and inequality in social and economic development, the problem of refugees remained one of the most important matters on the international agenda. Because of its location at the crossroads of Europe, Belarus dealt with the problems of migrants and refugees daily. Migration was a national, regional and international phenomenon, which if not controlled, could undermine the stability and security of society.

70. Illegal migration had more than a humanitarian dimension. Organized criminal groups had become involved; illegal commerce, including trafficking in arms and drugs, was often associated with migration, along with increased rates of HIV and tuberculosis. In recent years Belarus had detained thousands of illegal migrants at its borders, including over 300 Afghans. As a transit country, Belarus was requesting additional resources from the international community to deal with the needs of migrants and refugees.

71. In 2001, Belarus had acceded to the 1951 Convention and was working to bring its legislation into line. As of 1 October 2002, over 600 persons, mostly Afghans, had been granted refugee status. Their integration was a priority, and education campaigns on refugee rights were being conducted. A network of social-service organizations and centres for refugees had been established. Refugee children were not

separated from their parents and had access to the national educational system.

72. Her delegation welcomed the decline in the number of refugees and the growing number of returnees. However, it shared the concerns expressed at discriminatory measures imposed by some Governments against refugees on grounds of nationality or ethnicity. In the context of the Global Consultations on International Protection (A/57/12, para. 15), her delegation welcomed the initiative to build on the 1951 Convention by including the categories of economic refugees and ecological migrants, which would include the more than 135,000 residents of Belarus living in the area affected by the Chernobyl disaster who had been forced to leave their homes.

*The meeting rose at 6.10 p.m.*

United Nations A/C.3/57/SR.52

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## Third Committee

**Summary record of the 52nd meeting**
Held at Headquarters, New York, on Monday, 18 November 2002, at 10 a.m.

*Chairman*: Mr. Wenaweser ..... (Liechtenstein)

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02-70219 (E)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/56/3, A/57/12 and Add.1, A/57/203, 324 and 583; A/C.3/57/L.77-L.79)

1. **Mr. Dorji** (Bhutan), referring to the report of the United Nations High Commissioner for Refugees, 2001 (A/57/12), said that the situation of refugees in eastern Nepal was extremely complex, owing to vast illegal immigration of people from one source country in search of a better livelihood. The problem had been further complicated by Bhutan's porous border. The capacity of Bhutan to continue as a host country for refugees was limited and it was clear that the Government's efforts to tackle illegal immigration had been exploited by certain interests.

2. He pointed out that it was factually incorrect to term the refugees "Bhutanese", as stated in paragraph 72 of the report; in fact, all were of ethnic Nepalese origin. A main objective of the discussions between Bhutan and Nepal had been to determine their antecedents through joint verification.

3. He explained that, at the time the camps had been established in 1991, Bhutan had not been informed by the host country that such action was being taken. When Bhutan later learned of the situation, and as increasing numbers of desperate persons sought refuge, the Government of Bhutan had advised that there was a need to implement a proper screening mechanism. No such procedures had been introduced, however, until the population in the camps had risen from 300 to 80,000 within two years of their establishment.

4. The report of the High Commissioner for Refugees had also stated that the situation had become "protracted", reflecting concern that the bilateral process had not moved at a faster pace. He therefore wished to state that the Governments of Bhutan and Nepal had agreed to establish a Joint Ministerial Committee and a joint verification team. But both sides were struggling to reach agreement on how to deal with the refugees, once classified. High-level consultations were under way to lay the groundwork for the next meeting of the Joint Committee. While both Governments had expressed their commitment to the bilateral process, there remained a number of challenges.

5. Bhutan cherished its historic and cordial relations with Nepal and was concerned at the humanitarian plight of the refugees. His Government firmly believed that, building on past agreements, the bilateral process could lead to a durable solution.

6. **Mr. Ali Babaee** (Islamic Republic of Iran) said that his delegation welcomed the Global Consultations on International Protection (A/57/12, para. 15). It considered the 1951 Convention and 1967 Protocol relating to the Status of Refugees as the main framework for protection and believed that no new commitments should be created for Member States.

7. The implementation of the Agenda for Protection (A/57/12/Add.1, annex IV) should be commensurate with the capacity of host countries and international assistance, and in order to make the Agenda operational, it was necessary to arrange transparent mechanisms for effective international burden-sharing with a view to strengthening the host countries' capacity. Most developing countries hosting large numbers of refugees faced economic, social and demographic problems, and were not in a position to accept local integration as a solution to the refugee crisis. Less-populated, developed countries with more resources were in a better position to accept refugees with a view to their integration. The creation of a transparent and realistic mechanism for that collective responsibility should fairly distribute the burden among countries. He reaffirmed the relation between a sustainable solution and burden-sharing.

8. His Government welcomed the review being conducted with a view to the reform and enhanced efficiency of the Office of the United Nations High Commissioner for Refugees (UNHCR), and stressed the need for fair distribution of office posts among countries, based on their role in hosting and assisting refugees.

9. As host to millions of refugees and displaced persons, the Islamic Republic of Iran was concerned by the potential for a new wave of refugees, and warned that any crisis on its western and southern borders would result in a vast influx of refugees. He emphasized the need for a peaceful solution to avert such an upheaval.

10. He looked forward to the adoption of effective steps to safeguard the rights of refugees and host countries and to finding durable solutions to the global

problem of refugees through effective cooperation and burden-sharing by the international community.

11. **Mr. Husain** (Observer for the Organization of the Islamic Conference (OIC)) supported the statement just made by the representative of the Islamic Republic of Iran. He said the issue of refugees, returnees and internally displaced persons had been identified by the Islamic Conference as a priority area for cooperation with the United Nations. Many of the OIC member States, including developing countries, hosted large numbers of asylum-seekers and refugees.

12. Accordingly, at the Islamic Conference of Foreign Ministers in June 2002, a resolution had been adopted on the problems of refugees which expressed appreciation to member States and international partners for their assistance to refugees and called on member States to coordinate international actions to identify the causes of refugee flows and to strive, in cooperation with UNHCR, to repatriate those refugees as soon as possible. It also urged international support for such efforts and requested the Secretary-General of OIC to liaise closely with UNHCR.

13. He welcomed the fact that, while persistent instability and strife continued to cause population movements, particularly in certain countries of Africa and Latin America, there had been no refugee emergencies in 2001 comparable to the emergencies of the 1990s. Furthermore, in most cases where internal or external conflicts had threatened to create an exodus of refugees or internally displaced persons, timely interventions at the political level had generally succeeded in remedying those situations.

14. The situation of refugees, returnees and internally displaced persons in Africa continued to pose challenges; while there might have been a slight decline in the number of refugees and asylum-seekers due to ongoing peace efforts and voluntary repatriation, there had also been major setbacks as a result of conflict situations. Those situations required a multidimensional approach involving not only humanitarian agencies but donor countries, civil society and the international community. The Conference would be a supportive and, when necessary, proactive partner in fostering conflict resolution and lasting peace in Africa. In that spirit, the Conference was supporting the efforts of Afghanistan, Sierra Leone, Somalia, Bosnia and Herzegovina and others in the creation of favourable conditions for the return, resettlement and reintegration of returnees in an environment of peace and mutual confidence.

15. He recalled in particular the plight of the Palestinian people and the Muslim population of Jammu and Kashmir, who had been the victims of vicious conflicts for many years. The international community, through the United Nations, must play an effective role and come to their rescue in their hour of need. The Conference had repeatedly indicated its readiness to support United Nations efforts in that direction and would continue to do so. It would also continue to support the Secretary-General and the High Commissioner in finding lasting solutions to the conflicts, which had created so many helpless refugees in so many parts of the world.

16. **Mr. Morris** (Director, New York Liaison Office, Office of the United Nations High Commissioner for Refugees (UNHCR)) referred members to the written statement being distributed and, on behalf of the High Commissioner, thanked the Committee for its constructive debate on the agenda item. He looked forward to continued dialogue and support for efforts to reform UNHCR, a report on which would be submitted to the General Assembly at its fifty-eighth session.

*Draft resolution A/C.3/57/L.77: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees*

17. **Ms. Erotokritou** (Cyprus), introducing the draft resolution on behalf of the sponsors, joined by Croatia, Bangladesh, Ethiopia, the Gambia and the Sudan, said that, given the crucial work of the Executive Committee of the Programme, the purpose of the draft resolution was to increase the number of its members from 61 to 64 States, thereby helping it to fulfil its mandate.

*Draft resolution A/C.3/57/L.78: Continuation of the Office of the United Nations High Commissioner for Refugees*

18. **Mr. Kebbon** (Sweden), introducing the draft resolution on behalf of its sponsors, joined by Algeria, Bangladesh, Belarus, Burundi, Djibouti, Gabon, the Gambia, Guyana, Kyrgyzstan, Mali, Malawi, Nepal, Turkey, Uganda and the United States, said that Ukraine was also a sponsor, although its name did not appear in the document. It was a sad testimony to the

state of world affairs that UNHCR, a body originally intended to deal with a temporary problem, had become a permanent institution facing apparently unending challenges.

19. The draft resolution would continue the mandate of UNHCR for a further five years and would commend it for its outstanding work in behalf of refugees and displaced persons. The High Commissioner had stated that, on the basis of the outcome of the process initiated to strengthen his Office as a multilateral institution, he would submit to the General Assembly at its fifty-eighth session the pertinent proposals prepared in conjunction with the Executive Committee and the Secretary-General.

*Draft resolution A/C.3/57/L.79: Office of the United Nations High Commissioner for Refugees*

20. **Mr. Kebbon** (Sweden) introduced the draft resolution on behalf of the sponsors, joined by Belarus, Botswana, Burundi, Gabon, Malawi, Mali and the United States. It reaffirmed the General Assembly's support for UNHCR's work, and would enable the General Assembly to provide policy directives on essential aspects of that work, while recalling States' responsibilities. The text was concise, with a clear focus on new developments, notably in the area of international protection and durable solutions.

21. The draft resolution welcomed the Executive Committee's adoption of conclusions on the civilian and humanitarian character of asylum and on the reception of asylum-seekers in the context of individual asylum systems. It also welcomed the progress achieved with respect to recognizing the important contribution of host developing countries, as well as the importance attached to cooperation with the New Partnership for Africa's Development.

22. The draft resolution welcomed the contribution made by UNHCR to protection from sexual exploitation and its renewed efforts to promote durable solutions for refugees. It also welcomed the collective commitment to the implementation of the 1951 Convention and 1967 Protocol relating to the Status of Refugees expressed by States parties in the Declaration commemorating the fiftieth anniversary of the Convention.

23. Since a number of States not parties to those instruments had generously hosted refugees, they were encouraged to consider acceding to them. UNHCR's protection agenda, the fruit of two years of global consultation, was a valuable tool. The draft resolution called for the mobilization of resources in order to enhance the capacity of, and reduce the burden borne by, countries that had received large numbers of refugees and asylum-seekers. The draft also recognized that UNHCR needed adequate and timely resources in order to continue to fulfil its mandate.

**Agenda item 109: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/57/L.40, L.41, L.47, L.51, L.54, L.62-L.66, L.68, L.69 and L.76)

*Draft resolution A/C.3/57/L.62: Hostage-taking*

24. **Mr. Knyazhinskiy** (Russian Federation), introducing the draft resolution on behalf of the sponsors, announced that the delegation of Cuba wished to add its name to the list of sponsors. The text was a response to the recent tragic hostage-taking incident in Moscow and denounced any hostage-taking as a serious violation of human rights. It called on States to take measures within the context of international law and human rights standards to prevent and combat hostage-taking. The draft resolution did not request the Secretary-General to prepare a report on the topic and merely stated that the General Assembly would remain seized of the matter; he hoped it would be adopted by consensus.

*Draft resolution A/C.3/57/L.63: Strengthening of the rule of law*

25. **Ms. Viotti** (Brazil) introduced the draft resolution on behalf of the sponsors and announced that the delegations of Albania, Belarus, the Congo, Gabon, the Gambia, Malawi, Nepal, Singapore, the United Republic of Tanzania, Yemen and Yugoslavia wished to add their names to the list of sponsors.

26. The text stressed the importance of the rule of law and recalled United Nations efforts to promote international standards to ensure respect for human rights, democracy and the rule of law, the important role played by the Office of the High Commissioner for Human Rights and the need for technical assistance for States seeking to consolidate the rule of law. It

therefore deplored the lack of resources allocated to those tasks.

27. The text contained two new operative paragraphs. Paragraph 2 welcomed the efforts of the Office of the High Commissioner to make the promotion of the rule of law a priority in its technical cooperation programmes, while paragraph 8 welcomed the assistance of the Office in the design of human rights components of United Nations peace operations. The draft resolution was a statement of the international community's commitment to the rule of law and she hoped that it would be adopted without a vote.

*Draft resolution A/C.3/57/L.64: Human rights and unilateral coercive measures*

28. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, which were sponsoring it, said that the text called on States to refrain from imposing unilateral coercive measures on other States, in particular if such measures violated the Charter and international law. There was growing support for that position outside the Non-Aligned Movement and he hoped that there would therefore be a minimum of dissenting positions with regard to the draft resolution.

*Draft resolution A/C.3/57/L.65: The right to development*

29. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, which were sponsoring it, said that the text added an important new element with regard to previous resolutions. It was based on the agreed conclusions of the Working Group on the Right to Development as adopted by the Commission on Human Rights, and identified key issues requiring immediate attention. The agreed conclusions provided an excellent basis for cooperation to promote the right to development and implement the Millennium Declaration.

30. The Working Group and the independent expert of the Commission on Human Rights were core mechanisms for realizing the right to development. The Working Group should continue its work, and the sponsors looked forward to two major reports on critical issues from the independent expert. The first would deal with international development issues such as trade, good governance, equity, access to technology, the debt burden and their effects on the full enjoyment of human rights; the second would deal with partnerships for development such as the New Partnership for Africa's Development.

31. The text also requested the Office of the High Commissioner to submit a report to the Commission on Human Rights on the importance and application of the principle of equity at the international and national levels. He welcomed the High Commissioner's commitment to the right to development and stressed the need for the intergovernmental processes of the Commission to be provided with adequate resources.

*Draft resolution A/C.3/57/L.66: Enhancement of international cooperation in the field of human rights*

32. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, which were sponsoring it, said that the text, which had been agreed by consensus during consultations, added two new elements to the previous year's resolution: the need for an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights (eleventh preambular para.), and a reaffirmation of the importance of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism (twelfth preambular para.).

*Draft resolution A/C.3/57/L.68: The right to food*

33. **Ms. González Fraga** (Cuba), introducing the draft resolution on behalf of the sponsors, announced that the delegations of Andorra, Austria, Bulgaria, the Congo, Finland, Mali, Mauritania, Nepal, Norway, Panama, Qatar, Romania, Saudi Arabia and Somalia wish to add their names to the list of sponsors.

34. The text recalled the need for international support to guarantee the right to food in a world where millions suffered needlessly from hunger, in particular in the developing world. Hunger was a violation of a basic human right, and measures must be taken at all levels to ensure adequate resources to protect the right to food.

35. The sponsors wished to replace paragraph 14 with a new one reading: "*Welcomes* the decision of the Council of the Food and Agriculture Organization of

the United Nations adopted at its one hundred and twenty-third session to establish an intergovernmental working group as a subsidiary body of the Committee on World Food Security, with the participation of stakeholders, in the context of the Declaration of the World Food Summit: five years later, to elaborate in a period of two years, a set of voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security, and in this regard stresses that the Food and Agriculture Organization of the United Nations will work closely with relevant United Nations bodies, in particular the United Nations High Commissioner for Human Rights, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to food, as well as the two Rome-based food agencies, the International Fund for Agricultural Development and the World Food Programme, noting also the invitation of the Food and Agriculture Organization of the United Nations to other relevant institutions of the United Nations system, treaty bodies and the World Trade Organization to collaborate in assisting the Working Group, on the basis of their respective mandates".

*Draft resolution A/C.3/57/L.69: Respect of the right to universal freedom of travel and the vital importance of family reunification*

36. **Ms. González Fraga** (Cuba) announced that the Dominican Republic had withdrawn as a sponsor of the draft resolution, which she introduced on behalf of the sponsors. The draft related to a right recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Programme of Action of the International Conference on Population and Development. It called upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory.

37. The draft resolution also reaffirmed that all Governments, especially those of receiving countries, must recognize the importance of family reunification and promote its incorporation into national legislation in order to protect the unity of families of documented migrants. It called upon all States to allow the free flow of financial remittances and to refrain from enacting legislation intended as a coercive measure that discriminated against legal migrants by adversely affecting family reunification. She urged States to support the initiative and to reaffirm their commitment to that important human right.

*Draft resolution A/C.3/57/L.40: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*

38. **The Chairman** announced that Malaysia had joined the list of sponsors of the draft resolution, which contained no programme budget implications.

39. *Draft resolution A/C.3/57/L.40 was adopted.*

*Draft resolution A/C.3/57/L.41: Human rights and cultural diversity*

40. **Mr. Alaei** (Islamic Republic of Iran), introducing the draft resolution on behalf of the sponsors, joined by Djibouti, Lebanon, Oman and Thailand, said that the twelfth preambular paragraph had been replaced by a new version, which read: "*Recognizing* that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all people and nations".

41. **Ms. Gorove** (United States of America) said her delegation had reservations about the assertion of the contribution made to cultural diversity by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and therefore called for a vote on the sixth preambular paragraph, although her delegation supported the draft resolution as a whole.

42. **Mr. Alaei** (Islamic Republic of Iran) said it was deplorable that a delegation should call for a vote at that late juncture and without warning. The sponsors had held open consultations, at which the United States had always been represented, and it had declared itself satisfied with the text. He was puzzled by that last-minute request.

43. **Mr. Roshdy** (Egypt) said that his delegation disapproved of the United States' ploy at a time when many delegations were absent. Although the request was valid under the rules of procedure, it would have been courteous and more transparent for the United States to have informed the sponsors that it would call for a vote.

44. **Ms. Booto** (Democratic Republic of the Congo) said that the *Journal* had mentioned only the introduction of draft resolutions, with nothing about adopting them. For that reason, small delegations had been unable to attend, since they were covering other meetings.

45. **Ms. Ahmed** (Sudan), supported by **Ms. Kislinger** (Venezuela) and **Ms. González Fraga** (Cuba), said that her delegation had not been aware that there would be a vote. While the United States request should be respected, she moved that action on the draft resolution should be deferred.

46. **The Chairman** said that the United States had not informed him that it would call for a vote. He urged delegations to be more cooperative in that regard. He suggested that action on draft resolution A/C.3/57/L.41 should be deferred until the following meeting.

47. *It was so decided.*

*Draft resolution A/C.3/57/L.47: Elimination of all forms of religious intolerance*

48. **The Chairman** announced that Belarus, Malawi and the Sudan wished to join the sponsors.

49. **Mr. de Barros** (Acting Secretary of the Committee) said that, in paragraph 18 of draft resolution A/C.3/57/L.47, the General Assembly would request the Secretary-General to ensure that the Special Rapporteur received the necessary resources to enable him to discharge his mandate. The secretariat wished to draw attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions (ACABQ). Provision for the Special Rapporteur had already been made in the programme budget for the biennium 2002-2003. Therefore, adoption of the draft resolution would not entail any additional appropriation.

50. *Draft resolution A/C.3/57/L.47 was adopted.*

*Draft resolution A/C.3/57/L.51: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*

51. **The Chairman** announced that Armenia, Benin, Bosnia and Herzegovina and Morocco wished to join the sponsors.

52. **Mr. de Barros** (Acting Secretary of the Committee) said that, in paragraph 11 of draft resolution A/C.3/57/L.51, the General Assembly would request the Secretary-General to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Representative. The secretariat wished to draw attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and ACABQ. Provision for the Special Representative had already been made in the programme budget for the biennium 2002-2003. Therefore, adoption of the draft resolution would not entail any additional appropriation.

53. *Draft resolution A/C.3/57/L.51 was adopted.*

54. **Ms. Al Haj Ali** (Syrian Arab Republic), explaining her delegation's position with regard to draft resolution A/C.3/57/L.51, said that the Declaration imposed the duty of non-intervention and non-selectivity with respect to States. It also granted non-governmental organizations the duty of protection and non-selectivity in the protection of rights and fundamental freedoms, in order to ensure objectivity and non-discrimination.

55. The Syrian Arab Republic had maintained its position throughout the negotiations on the draft resolution, that there should be transparency on issues relating to the allocation of resources to non-governmental organizations. It regretted that the draft resolution did not contain certain paragraphs referring to the responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The omission of emphasis on certain rights was also regrettable because it distorted the balance of the draft resolution.

*Draft resolution A/C.3/57/L.54: United Nations Decade for Human Rights Education, 1994-2004*

56. **Mr. McKenna** (Australia) announced that Belarus, Liechtenstein, the United States and Lesotho wished to join the sponsors.

57. **The Chairman** said that the draft resolution had no programme budget implications and that Bulgaria, Mongolia, Nepal, the Russian Federation and Switzerland also wished to join the sponsors.

58. *Draft resolution A/C.3/57/L.54 was adopted.*

*Draft decision A/C.3/57/L.76: Award of human rights prizes in 2003*

59. *Draft decision A/C.3/57/L.76 was adopted.*

*The meeting rose at 11.55 a.m.*

United Nations A/C.3/57/SR.53

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Fifty-seventh session

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## Third Committee

**Summary record of the 53rd meeting**
Held at Headquarters, New York, on Tuesday, 19 November 2002, at 10 a.m.

*Chairman:* Mr. Wenaweser (Liechtenstein)

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02-70248 (E)

*The meeting was called to order at 10.20 a.m.*

**Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/C.3/57/L.73 and L.74)

*Draft resolution A/C.3/57/L.73: Assistance to refugees, returnees and displaced persons in Africa*

1. **Ms. G/Mariam** (Ethiopia), speaking on behalf of the sponsors, introduced draft resolution A/C.3/57/L.73 and announced that Chile and Norway had joined the sponsors.

2. **The Chairman** said that Croatia, Japan, Panama, Suriname and the former Yugoslav Republic of Macedonia had also become sponsors.

*Draft resolution A/C.3/57/L.74: New international humanitarian order*

3. **Mr. Goussous** (Jordan), speaking on behalf of the sponsors, introduced draft resolution A/C.3/57/L.74 and announced that Thailand had become a sponsor. The text was inspired partly by previous General Assembly resolutions, including 55/73, 53/124 and 51/74, and partly by the report of the Secretary-General in document A/57/583.

4. There were a number of revisions to the draft resolution. The fifth preambular paragraph should be deleted, since it was simply a quotation from the Universal Declaration of Human Rights and, in the seventh preambular paragraph, the words "a culture of compliance and" should be deleted. Paragraph 2 should be revised to reflect the exact language used in the Secretary-General's report, and should therefore read: "*Calls upon* Governments to provide expertise and the necessary means to identify the building blocks of such an order and agenda, plan the architecture and undertake the required supplementary activities". A new paragraph, originally paragraph 2 of resolution 55/73, should be inserted after paragraph 2 (and the remaining paragraphs renumbered) reading: "*Invites* the Secretary-General to continue to promote strict adherence to refugee law, international humanitarian law, human rights instruments and internationally accepted norms and principles in situations of armed conflict and complex emergencies". The words "as well as adjustment to new realities" should be deleted from paragraph 4.

5. **The Chairman** said that Ecuador and Suriname had joined the sponsors.

**Agenda item 109: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/57/L.41, L.45, L.46, L.52, L.53, L.58, L.59, L.60, L.62, L.63, L.64, L.66, L.69 and L.70)

*Draft resolution A/C.3/57/L.70: Khmer Rouge trials*

6. **Mr. Haraguchi** (Japan), introducing the draft resolution on behalf of the sponsors, said that two technical revisions should be made to the text. In the seventh preambular paragraph, the words "hereinafter referred to as Extraordinary Chambers" should be inserted in brackets after the words "within the existing court structure of Cambodia" and, in paragraph 1, the words "to establish the Extraordinary Chambers" should be replaced with "on the establishment of the Extraordinary Chambers".

7. General Assembly resolution 56/169 on the situation of human rights in Cambodia had urged the Government of Cambodia and the United Nations to conclude an agreement without delay so that the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea could start to function promptly. However, the Secretary-General had announced, in February 2002, that the United Nations had withdrawn from the negotiations and, subsequently, that he needed a clear mandate from either the General Assembly or the Security Council before engaging in further negotiations. The draft resolution had been prepared in response to that request, with a view to bringing to trial those responsible for atrocities committed by the Khmer Rouge.

8. There were four important points to consider: firstly, that future negotiations would be based on previous negotiations; secondly, that the jurisdiction of the Extraordinary Chambers must remain consistent with international commitments undertaken by the

Government of Cambodia; thirdly, that the draft resolution was designed to provide a clear framework for the United Nations to conduct negotiations and, lastly, that the text must be acceptable to the Government of Cambodia. The process was vitally important for the reconciliation of the Cambodian people, as well as for the United Nations, which had made the protection of human rights one of its major priorities. Since the Government had expressed its support for the text, the onus lay on the international community to adopt the resolution, thus opening the way for credible Khmer Rouge trials. Failing that, the chance for cooperation in that regard between the Government of Cambodia and the United Nations would be lost forever.

9. **Mr. Ouch** Borith (Cambodia) endorsed the draft resolution as the basis for further negotiations and expressed optimism that negotiations would resume shortly.

10. **Mr. Floreani** (France) said that the draft resolution should be adopted without a vote, in order to expedite the negotiations and bring the Khmer Rouge leaders to justice as soon as possible.

*Draft resolution A/C.3/57/L.41: Human rights and cultural diversity*

11. **Mr. Alaei** (Islamic Republic of Iran), speaking on behalf of the sponsors of the draft resolution, said that Ecuador and Swaziland had joined the sponsors. Prolonged consultations had taken place with the United States and other delegations with a view to resolving disagreement over the sixth preambular paragraph. While a revised version had eventually been accepted by the sponsors, he expressed concern that the text agreed upon at the fifty-sixth session had needed to be changed at all. The revised paragraph should read: "*Welcoming also* the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity".

12. *Draft resolution A/C.3/57/L.41, as orally revised, was adopted.*

13. **Ms. Patterson** (Canada) said that, although it had joined the consensus, her delegation would have preferred a more balanced reference to the World Conference, taking into account elements that might have had a negative impact on efforts to promote cultural diversity.

*Draft resolution A/C.3/57/L.45: Human rights education*

14. **The Chairman** announced that the delegations of Bangladesh, the Democratic Republic of the Congo, Ecuador, Ethiopia, Ghana, Indonesia, Mali, Mongolia, Namibia, Nigeria and Sierra Leone had joined the sponsors of the draft resolution, and that it contained no programme-budget implications.

15. **Ms. Tobing-Klein** (Suriname), speaking on behalf of the sponsors of the draft resolution, said that human rights education should be seen as a key to development. The draft resolution aimed to promote human rights as a way of life, by taking a highly participatory approach to education, and stressing the interdependence of all human rights. The delegations of Thailand and Togo had joined the sponsors.

16. *Draft resolution A/C.3/57/L.45 was adopted.*

*Draft resolution A/C.3/57/L.46: Missing persons*

17. **The Chairman** informed the Committee that the draft resolution had no programme-budget implications, and that Burundi, Croatia the Democratic Republic of the Congo, Ethiopia, Mauritania, the Sudan, Suriname and Yugoslavia had joined the sponsors.

18. **Ms. Ibrahimova** (Azerbaijan), speaking on behalf of the sponsors of the draft resolution, said that Belarus had also become a sponsor.

19. *Draft resolution A/C.3/57/L.46 was adopted.*

*Draft resolution A/C.3/57/L.52: Regional arrangements for the promotion and protection of human rights*

20. **The Chairman** said that the draft resolution contained no programme-budget implications.

21. **Mr. Maertens** (Belgium), speaking on behalf of the sponsors, said that Cyprus, Liechtenstein and Sweden had joined the sponsors. He hoped that the draft resolution would be adopted without a vote.

22. **The Chairman** announced that Morocco wished to join the sponsors.

23. *Draft resolution A/C.3/57/L.52 was adopted.*

*Draft resolution A/C.3/57/L.53: Human rights and extreme poverty*

24. **The Chairman** said that the draft resolution contained no programme-budget implications.

25. **Mr. Chuquihuara** (Peru), speaking on behalf of the sponsors, said that Argentina, Austria, Cuba, Cyprus, Finland, Spain, Sweden and the United States of America had joined the sponsors, and pointed out that the name of Tunisia had been wrongly omitted from the original list of sponsors. He wished to make three minor revisions to the text: in the eleventh preambular paragraph, the words "for the enjoyment of human rights" should be deleted. The thirteenth preambular paragraph should finish after the words "mutually reinforcing", and paragraph 6 should read "*Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance".

26. **The Chairman** announced that Belarus, Bosnia and Herzegovina, Botswana, Colombia, Germany, Hungary, Kenya, Luxembourg, Malawi, Mauritania, the Netherlands, the Republic of Korea, Sri Lanka, the Sudan, Switzerland and the United Kingdom of Great Britain and Northern Ireland wished to join the sponsors.

27. *Draft resolution A/C.3/57/L.53, as orally revised, was adopted.*

28. **Mr. Roshdy** (Egypt) said that his delegation had not wanted to prevent the draft resolution from being adopted by consensus as a mark of its appreciation for the efforts of the main sponsor. Nevertheless, Egypt still believed that there was a strong link between poverty and democracy and, in that connection, felt that it was unfortunate that the references to that linkage had been deleted from the draft resolution. The fight against poverty, especially the eradication of extreme poverty, could contribute substantially to the promotion and consolidation of democracy and constituted a common and shared responsibility of States.

29. **Ms. Tobing-Klein** (Suriname) said that, by adopting the draft resolution on the right to food at the previous session, the Third Committee had acknowledged the right of poor people to be empowered. She congratulated those responsible for preparing the draft resolution.

*Draft resolution A/C.3/57/L.58: Promotion of the right of peoples to peace*

30. **The Chairman** said that the draft resolution contained no programme-budget implications.

31. **Mr. Amorós Núñez** (Cuba) appealed to the members of the Committee to support the draft resolution, as it reaffirmed the right of all peoples to peace. He informed the Committee that Ethiopia was not a sponsor of the draft resolution.

32. **The Chairman** announced that a recorded vote had been requested.

33. **Mr. von Kaufmann** (Canada), speaking also on behalf of Australia, New Zealand and the United States of America in explanation of vote before the voting, said that the draft resolution reiterated several provisions of the United Nations Declaration of the Right of Peoples to Peace. The four delegations had questions and concerns about, inter alia, the content of the right to peace and the specific obligations of States to guarantee it, which had not been addressed by the draft resolution. Furthermore, the text focused on relations between States rather than on their obligation to respect human rights, and referred to such issues as international peace and security, disarmament and arms control which were more appropriately dealt with in other forums.

34. He lamented the fact that another draft resolution from the Commission on Human Rights had been included in the agenda of the Third Committee (A/C.3/57/L.58), since that practice undermined efforts to streamline the work of the General Assembly. He was also disappointed at the lack of transparency surrounding the introduction of the draft resolution: Cuba had not been prepared to engage in negotiations on the text. For all those reasons, Australia, Canada, New Zealand and the United States of America would be voting against the draft resolution and encouraged other delegations to do the same.

35. **Ms. Eskjær** (Denmark), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey and, in addition, Iceland and Norway, said those delegations believed that the primary issues raised in the draft resolution were better addressed in

forums other than the Third Committee and the Commission on Human Rights, since neither of those bodies had the competence to deal with them.

36. The draft resolution addressed the relationship between States and did not consider the core mandate of the Third Committee and the Commission on Human Rights, namely the relationship between the State and its citizens and the exercise by individuals of their human rights. The European Union was also uncomfortable with the idea of a "right to peace", given that such a right had not been established in any international human rights instrument. Therefore, the European Union would be voting against the draft resolution.

37. *A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Gambia, Ghana, Guyana, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

*Abstaining:*

Argentina, Brazil, Chile, Ethiopia, Guatemala, India, Madagascar, Malawi, Panama, Papua New Guinea, Singapore, Solomon Islands, Uruguay, Vanuatu.

38. *Draft resolution A/C.3/57/L.58 was adopted by 90 votes to 50, with 14 abstentions.*

39. **Ms. Morgan** (Mexico) said that her delegation had frequently reiterated its commitment to the peaceful settlement of disputes and the need for general and complete disarmament, and had therefore voted in favour of the draft resolution. However, she felt that the Third Committee and the Commission on Human Rights were not the appropriate forums in which to discuss the draft resolution and that doing so distorted the work of the relevant competent human rights bodies. Her delegation therefore reserved the right to change its position.

40. **Ms. Tomar** (India) said that her delegation had abstained from the voting, since it considered that the Third Committee was not the appropriate forum in which to discuss issues relating to disarmament.

41. **Mr. Moussotsi** (Gabon) said that he would have voted in favour of the draft resolution had he been present.

*Draft resolution A/C.3/57/L.59: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character*

42. **The Chairman** said that the draft resolution contained no programme-budget implications.

43. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the sponsors, said that Belarus had joined the sponsors. He drew attention to paragraph 4 of the draft resolution and expressed his delegation's conviction that the United Nations was the proper forum in which to find peaceful solutions to international humanitarian

problems. He appealed to the members of the Committee to support the draft resolution.

44. **The Chairman** announced that Jamaica, Malawi and Suriname wished to join the sponsors. He said that a recorded vote had been requested.

45. **Ms. Eskjær** (Denmark), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey and, in addition, Iceland and Norway in explanation of vote before the voting, reaffirmed the commitment of the European Union to the purposes and principles of the Charter, in particular with regard to the promotion and protection of human rights and fundamental freedoms, which lay within the competence of the Third Committee. However, concerns about the draft resolution expressed by the European Union in previous years still stood. The Union could not support the selective use of the principles contained in the Charter and did not believe that a text solely based on the Charter could contribute to the promotion of human rights and fundamental freedoms for all, or that adopting the text would contribute to the achievement of the aims of the Charter.

46. The European Union had previously cooperated in a positive spirit in order to produce a resolution which addressed issues of relevance to the Third Committee and which did not impinge on debates taking place elsewhere in the United Nations system. However, it appeared that its efforts to improve the text had been unsuccessful.

47. The members of the European Union believed that the draft resolution did not present an accurate picture of cooperation in the field of human rights or contribute to the solution of problems in the humanitarian field. It would merely duplicate work carried out under other agenda items and did not add value to the work of the Third Committee. The European Union would therefore be voting against it.

48. **Ms. Dempster** (New Zealand) said that New Zealand continued to be guided by the Charter in the area of the promotion of human rights. However, the draft resolution selectively interpreted those rights in order to imply that State sovereignty should be promoted over and above other objectives of the United Nations.

49. Although New Zealand respected the principle of national sovereignty, it also recognized that that principle did not prejudice the other provisions of the Charter concerning the maintenance and restoration of international peace and security. The draft resolution sought to limit the role of the United Nations in the area of human rights and humanitarian action and contradicted the broad objectives of the Charter. For those reasons, New Zealand would vote against it.

50. **Mr. von Kaufman** (Canada), speaking also on behalf of Australia and the United States of America, said that the draft resolution raised important questions already being addressed in other forums within the United Nations, and that consideration of the text was not a constructive use of the limited time available to the Third Committee. Member States were obliged to respect the spirit of the Charter and its purposes and principles, and the reinforcement of those purposes and principles constituted a recognition that human rights were the legitimate concern of the international community.

51. However, rather than embracing the spirit of the Charter, the draft resolution aimed to limit its scope. By means of selective and unbalanced citations from the Charter and other international instruments, it focused on national sovereignty rather than on human rights, and incorrectly suggested that sovereignty was a shield behind which human rights violations could be perpetrated with impunity. It also failed to reflect the fact that the Charter made it clear that, in certain circumstances, concerns for international peace and security could override State sovereignty.

52. The international community should seek ways of working together in the spirit of the Charter rather than implementing divisive initiatives. Consequently, the three delegations would be voting against the draft resolution, and encouraged others to do the same.

53. *A recorded vote was taken.*

*In favour*:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon,

Gambia, Ghana, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia.

*Against*:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

*Abstaining*:

Argentina, Botswana, Brazil, Chile, Fiji, Guatemala, Madagascar, Papua New Guinea, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Singapore, Solomon Islands, Thailand, Uruguay, Vanuatu.

54. *Draft resolution A/C.3/57/L.59 was adopted by 93 votes to 51, with 17 abstentions.*

55. **Mr. Amorós Núñez** (Cuba) said that the voting had highlighted the fact that members of the international community had differing opinions about how to cooperate in the humanitarian field. Despite all his delegation's efforts, it had proved impossible to reach a consensus on the draft resolution, but Cuba was always open to new suggestions and hoped that new opportunities to discuss the question would arise in the future.

56. **Ms. Tobing-Klein** (Suriname) said that she had voted in favour of the draft resolution because it called for the promotion of human rights.

*Draft resolution A/C.3/57/L.60: Protection of migrants*

57. **The Chairman** said that the draft resolution had no programme-budget implications.

58. **Mr. Simancas Gutiérrez** (Mexico), speaking on behalf of the sponsors, said that Ecuador, Egypt, Eritrea, Haiti, Mali, Nigeria, Sierra Leone, the Sudan and Suriname had joined the sponsors of the draft resolution. He introduced a revision of paragraph 3, which would read: "*Calls upon* States to fully promote and protect the human rights of migrants, as contained in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance".

59. *Draft resolution A/C.3/57/L.60, as orally revised, was adopted.*

60. **Mr. Loh** Tuck Keat (Singapore), explaining his delegation's position on paragraph 6 of draft resolution A/C.3/57/L.60, said that his country respected migrants' contributions to its society and, mindful of its responsibilities towards them, gave both permanent and temporary migrants the same protection as citizens. However, immigration policies were perforce governed by countries' special circumstances. Social harmony in a small, crowded country with a heterogeneous population of four million living in an urban environment called for a careful balance among their varying interests. In any event, immigration policies fell within each State's sovereign jurisdiction. Although it had joined the consensus, his delegation reserved the right to reconsider its position subsequently.

*Draft resolution A/C.3/57/L.62: Hostage-taking*

61. **The Chairman** said that the draft resolution had no programme-budget implications.

62. **Mr. Nikiforov** (Russian Federation), speaking on behalf of the sponsors, joined by Kazakhstan, Kyrgyzstan, the Republic of Moldova and Ukraine, introduced a technical revision whereby the phrase "in strict conformity with international human rights standards" should be inserted between the words "order" and "to" in the last preambular paragraph, so as

to bring it into line with Commission on Human Rights resolution 2001/38.

63. *Draft resolution A/C.3/57/L.62, as orally revised, was adopted.*

64. **Ms. Grollová** (Czech Republic) said her delegation had joined the consensus on the draft resolution because of the revision introduced by the sponsors, although her Government believed that its language and content suggested that its proper forum would have been the Security Council or the Commission on Human Rights. Should the same draft resolution be introduced the following year, her delegation would ask the sponsors to hold broad consultations with a view to bringing the language more into line with the Committee's agenda, which was the protection of human rights.

*Draft resolution 63: Strengthening of the rule of law*

65. **The Chairman** said that the draft resolution had no programme-budget implications and that Indonesia, Liberia, Madagascar, Saint Kitts and Nevis, Togo and Yugoslavia had joined the list of sponsors.

66. **Mr. El-Eryani** (Yemen) said that, owing to a misunderstanding, his delegation had been added to the list of sponsors of draft resolution A/C.3/57/L.63 and not A/C.3/57/L.68, as it had requested. He requested that the error should be corrected.

67. *Draft resolution A/C.3/57/L.63 was adopted.*

*Draft resolution A/C.3/57/L.64: Human rights and unilateral coercive measures*

68. **The Chairman** said that the draft resolution had no programme-budget implications.

69. **Mr. Ndimeni** (South Africa), introducing the draft resolution on behalf of the sponsors, expressed the hope that other delegations would join the list of sponsors.

70. *A recorded vote was taken.*

*In favour:*

Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

*Abstaining:*

Kazakhstan.

71. *Draft resolution A/C.3/57/L.64 was adopted by 106 votes to 51, with 1 abstention.*

*Draft resolution A/C.3/57/L.66: Enhancement of international cooperation in the field of human rights*

72. **The Chairman** announced that the draft resolution contained no programme-budget implications.

73. **Mr. Ndimeni** (South Africa), speaking on behalf of the sponsors, thanked delegations for their contributions that had made consensus possible.

74. *Draft resolution A/C.3/57/L.66 was adopted.*

*Draft resolution A/C.3/57/L.69: Respect for the right to universal freedom of travel and the vital importance of family reunification*

75. **Ms. González Fraga** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by Ecuador, exhorted all delegations to support it.

76. **Ms. Costa** (United States of America), speaking in explanation of vote before the vote, said that paragraph 1 targeted her country's regulations concerning Cuban government officials' travel in the United States, a bilateral matter between the two countries. The United States supported the portions of the draft resolution that endorsed universal freedom of travel and family reunification and called on all countries, including Cuba, to do likewise.

77. It was ironic that Cuba had introduced the draft resolution, as it continued to severely restrict its own citizens' international travel. Examples included the denial of exit visas to medical professionals in possession of documents for emigration to the United States to join their families, and to a well-known Cuban opposition leader to travel to the Republic of Korea to attend a democracy forum. Most immigrants to the United States, one of the world's largest immigrant countries, arrived through family reunification, which her country facilitated through its immigration law. It objected to the punitive economic provisions and other arbitrary measures some countries imposed on would-be emigrants.

78. Her delegation would willingly consider a draft resolution on freedom to travel and family reunification, but would vote against the text as it stood.

79. *A recorded vote was taken.*

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guyana, Honduras, India, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mali, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

*Against:*

Israel, United States of America.

*Abstaining:*

Albania, Algeria, Andorra, Australia, Austria, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Congo, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu, Yugoslavia.

80. *Draft resolution A/C.3/57/L.69 was adopted by 86 votes to 2, with 71 abstentions.*

81. **Ms. Morgan** (Mexico) said her delegation had voted in favour of the draft resolution because its content was important for migrants' exercise of their human rights. Freedom of travel, a right enshrined in the Universal Declaration of Human Rights, applied to all persons regardless of their citizenship status.

82. **Ms. Ramírez** (Costa Rica), endorsing the remarks by the previous speaker, said that the draft resolution should have made specific mention of the right contained in article 13 of the Universal Declaration of Human Rights, to the effect that

everyone had the right to leave any country, including his own.

83. **Ms. Tobing-Klein** (Suriname) said that her delegation, unswerving in its support for universal respect of human rights, had voted in favour of the draft resolution because it aimed at protecting the rights of all migrants.

84. **Ms. González Fraga** (Cuba) said that the draft resolution was not intended to be bilateral, and enjoined all States, especially host countries, to promote integration and family reunification and to refrain from placing restrictions on family remittances. She pointed out that United States citizens travelled freely to Cuba.

*The meeting rose at 12.05 p.m.*